

Moreland City Council

COUNCIL AGENDA

WEDNESDAY 14 OCTOBER 2009

COMMENCING 7 PM

GLENROY SENIOR CITIZENS CENTRE
11 CROMWELL STREET, GLENROY

Language Link

This is the Agenda for the Council meeting.
For assistance with any of the agenda items,
please telephone 9240 1111.

這是市政會會議的議程。您若在理解議程中有需要協助的地方，請打電話給“語言連接 (Language Link)”翻譯服務，號碼9280 1910。

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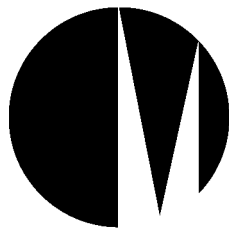
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Este es el Orden del Día para la reunión de la Municipalidad. Si tiene dificultades para entender algunos de los puntos listados en el Orden, sírvase llamar a Language Link al teléfono 9280 1916

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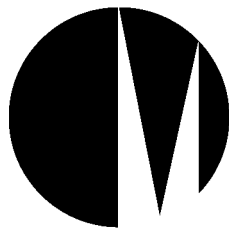
यह कौंसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।



INFORMATION ABOUT COUNCIL MEETINGS

Moreland City Council encourages its citizens to participate in the local government of Moreland. Accordingly, these notes have been developed to help citizens better understand Council meetings. All meetings are conducted in accordance with Council's local legislation on Governance.

1. **WELCOME** The Mayor, who chairs the meeting, formally opens the meeting, delivers an acknowledgement of country and welcomes all present.
2. **APOLOGIES** Where a Councillor is not present, his/her absence is noted in the Minutes of the meeting.
3. **CONFIRMATION OF MINUTES** The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.
4. **DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS** Under the *Local Government Act 1989*, a Councillor has a duty to disclose any direct or indirect pecuniary (financial) interest, s/he may have in any matter to be considered by Council that evening.
5. **PETITIONS** Council receives petitions from citizens on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council Director for consideration.
6. **MAYOR & COUNCILLORS CORRESPONDENCE** A list of correspondence received since the last meeting is considered by Councillors.
7. **COMPLETED AND OUTSTANDING COUNCIL RESOLUTIONS AND REPORTS** A list of Council resolutions and reports that are completed and outstanding.
8. **REPORTS FROM COMMITTEE TO COUNCIL** Council considers reports from Committees that Councillors represent Council on.
9. **QUESTION TIME** This is an opportunity (30 minutes), for citizens to raise questions with Councillors.
10. **"ON NOTICE" ITEMS FROM PREVIOUS COUNCIL MEETING** Items raised during Question Time at the previous Council meeting that were not able to be answered are responded to.
11. **COUNCILLORS ITEMS** Councillors may raise issues or matters of interest that are not listed on the meeting Agenda.
12. **COUNCIL REPORTS** Detailed reports prepared by Council's Administration are considered by Councillors and a Council position is adopted on the matters considered. The Mayor can invite firstly Councillors, secondly Officers, and then citizens in attendance to identify Council reports which should be given priority by the meeting and considered in the early part of the meeting.
13. **LATE REPORTS** Reports have not been submitted by such time that the Council Agenda is printed. These reports are identified in the Table of Contents and have been distributed separately. Copies of Late Reports are available at the Council Meeting.
14. **URGENT BUSINESS** The Chief Executive Officer or Councillors, with the approval of the meeting, may submit items of Urgent Business (being a matter not listed on the agenda) but requiring a prompt decision by Council.
15. **CONFIDENTIAL BUSINESS** Whilst all Council and Committee meetings of Council are open to its citizens, Council has the power under the *Local Government Act* to close its meeting to the public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber or Meeting room while the matter is being discussed.
16. **CLOSE OF MEETING** The Mayor will formally close the meeting and thank all present.
17. **NEXT MEETING DATE** The next Council meeting will be held on 11 November commencing at 7pm, at the Fawkner Senior Citizens Centre, Jukes Street, Fawkner.



1. WELCOME

2. APOLOGIES

3. CONFIRMATION OF MINUTES

The minutes of the Council meeting held on 9 September 2009 and the Special Council Meeting held on the 21 September 2009 be confirmed.

4. DECLARATION OF INTERESTS AND/OR CONFLICT OF INTERESTS

5. PETITIONS

(D09/161708) OBJECTION TO DEVELOPMENT AT 54 MORELL STREET, GLENROY

A petition has been received containing 6 signatures. The petitioners object to the proposed development at 54 Morell Street, Glenroy.

Recommendation:

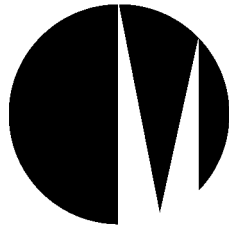
1. The petition be received and noted.
2. The petition be referred to the Director City Development for consideration.
3. The first named signatory to the petition be advised of this action.
4. The North – West Ward Councillors, Cr Erdgoan, Cr Kavanagh, Cr Matthews-Ward and Cr Yildiz, will be advised of any consultative meeting arranged to discuss the planning permit application and will be advised of the outcome in this matter.

(D09/172556) TRAFFIC VOLUMES – SHAFTSBURY STREET, COBURG

A petition has been received containing 100 signatures. The petitioners request Council to undertake measures to reduce traffic volumes in Shaftsbury Street, Coburg.

Recommendation:

1. The petition be received and noted.
2. The petition be referred to the Director City Infrastructure for consideration.
3. Any proposed action is emailed to all Ward Councillors, relevant Portfolio Councillors and Councillors Responsible For, allowing seven clear days for Councillor feedback.
4. The first named signatory to the petition be advised of this action.



(D09/166640) RESIDENTS CONCERNED WITH DEMOLITION OF 2 HATTER STREET, PASCOE VALE

A petition has been received containing 16 signatures. The petitioners are concerned with the demolition of 2 Hatter Street, Pascoe Vale.

Recommendation:

1. The petition be received and noted.
2. The petition be referred to the Director City Development for consideration.
3. Any proposed action is emailed to all Ward Councillors, relevant Portfolio Councillors and Councillors Responsible For, allowing seven clear days for Councillor feedback.
4. The first named signatory to the petition be advised of this action.

6. MAYOR AND COUNCILLORS' CORRESPONDENCE

7. COMPLETED AND OUTSTANDING COUNCIL RESOLUTIONS AND REPORTS

8. REPORTS FROM COMMITTEE TO COUNCIL

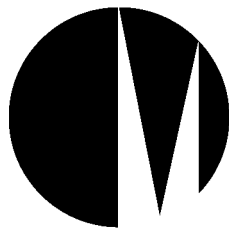
- Transport Advisory Committee – 29 July 2009
- Sustainable Moreland Advisory Group – 16 July 2009

9. QUESTION TIME

10. "ON NOTICE" ITEMS FROM PREVIOUS COUNCIL MEETING

- DCI (Frank Goldebella) - Plane Trees
- DCI (Bob Brown) West Street, Glenroy Pedestrian Crossing

11. COUNCILLORS' ITEMS



12. COUNCIL REPORTS

CHIEF EXECUTIVE OFFICER

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CEO32	DISADVANTAGED JOB SEEKERS (D09/158077)	6

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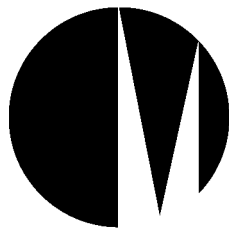
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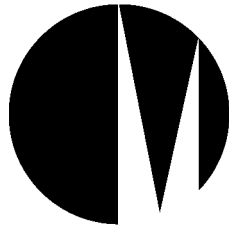
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13. LATE REPORTS

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14. URGENT BUSINESS REPORTS



15. CONFIDENTIAL REPORTS

**DCI68 BRUNSWICK BATHS - ARCHITECTURAL SERVICES
CONTRACT 1514 (D09/166771)**

Pursuant to section 89(2) of the Local Government Act 1989 this Confidential Report will not be publicly disclosed because it relates to contractual matters.

DSD50 YOUTH CONNECTIONS (D09/162837)

Pursuant to section 89(2) of the Local Government Act 1989 this confidential report will not be publicly disclosed because it relates to any other matter which the Council or special committee considers would prejudice the Council or any person.

CEO30 2009 ANNUAL REPORT (D09/107564)

Chief Executive Officer

Corporate Performance & Improvement

Executive Summary

The 2009 Annual Report contains Moreland Council's audited performance, standard and financial statements and provides information on Council operations for the Moreland Community.

A copy of the 2009 Annual Report is circulated under separate cover Attachment 1.

Recommendation

Council resolve to endorse the 2009 Annual Report as presented to the Minister for Local Government and commend the report to the Moreland community.

1. Policy Context

Section 131A of the *Local Government Act 1989* provides the statutory framework required by Council to consider and discuss its 2009 Annual Report.

This provides an opportunity to fulfil Council's commitment to open government and to report to its community on the implementation of strategies and priorities. This presentation is one element of a communication strategy for the reporting on the 2008-2009 financial results and outcomes of the 2007-2011 Council Plan.

2. Background

On 21 September 2009 the draft 2009 Annual Report was presented to the Special Council meeting to be finalised and submitted to the Minister for Local Government (CEO29). The final version was submitted to the Minister as required and advertisements were placed in *The Age* newspaper and on council's website.

The Annual Report contains audited performance, standard and financial statements as well as meeting other statutory requirements. Council's Audit Committee recommended to Council that the Financial Statement and Performance Statements be adopted in principle. Council at its meeting on 9 September 2009 adopted the Statements which were then forwarded to the Victorian Auditor General with his agent's recommendation. The Auditor General has certified the statements.

3. Issues

The intent of the 2009 Annual Report is to inform the Moreland community and stakeholders of Council's performance in 2008-2009 against the objectives and priorities outlined in the 2008 Mayor's Speech and the performance against departmental goals that are outlined in the 2007-2011 Council Plan.

A copy of the 2009 Annual Report is circulated under separate cover as **Attachment 1**.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Annual Report was reviewed by the Communications Task Group.

The Manager Corporate Performance & Improvement worked with officers to report on branch and department indicators and worked with managers across the organisation, as well as the External Auditor to ensure the accuracy of the performance statement. The Manager Finance compiled the standard and financial statement to present to the Auditor General.

5. Financial and Resources Implications

The cost of producing the 2009 Annual Report is met within the Corporate Performance & Improvement branch budget. The document is widely available on the Moreland Council web page for downloading. A relatively small number of annual reports are now printed on recycled stock to meet statutory and administrative needs.

CEO31 LEGISLATIVE REVIEW - INSTRUMENTS OF DELEGATIONS (D09/162932)

Chief Executive Officer

Governance Unit

Executive Summary

The *Local Government Act 1989* ('the Act') identifies a number of legislative requirements that must be met during 2009.

Council is required under Section 98(6) of the Act to review within the period of 12 months after a general election all delegations which are in force and have been made by the Council.

Delegating powers to the Chief Executive Officer and to Council staff ensures a smooth and consistent decision making procedure in the day-to-day administration of Moreland City Council.

This report sets out the process undertaken to ensure Council meets its legislative requirements as defined under the Act.

There are no financial and resource implications for Council.

Recommendation

Council resolve:

1. That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the Instrument of Delegation -
 - a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer (under separate cover Attachment 1), subject to the conditions and limitations specified in that Instrument.
 - b) Adopt the Instrument of Delegation from the Council to the Urban Planning Committee (under separate cover Attachment 2) and the Instrument of Delegation from the Council to Members of Council Staff (under separate cover Attachment 3).
 - c) The Instruments come into force immediately upon the common seal of Council is affixed to the Instruments.
 - d) On the coming into force of the Instruments the previous delegations to the Chief Executive Officer, the Urban Planning Committee and to Members of Council staff dated 14 November 2005, be revoked.
 - e) Note that upon formal adoption of the Instruments of Delegations, Council will have met its legislative requirements as defined under Section 98(6) of the *Local Government Act 1989*.

REPORT

1. Policy Context

Section 98 of the *Local Government Act 1989* ('the Act') sets out the context in which Council and the Chief Executive Officer can, by Instrument of Delegation, delegate to members of Council staff any power, duty or function under the Act, other than certain specified powers.

2. Background

Council is required under Section 98(6) of the *Local Government Act 1989* to review within the period of 12 months after a general election all delegations which are in force and have been made by the Council.

To ensure Council meets its legislative requirements, a review of the Instruments of Delegations must be finalised by 27 November 2009. This report sets out the process undertaken to ensure Council meets its legislative requirements as defined under the Act.

3. Issues

Council currently has the following Instruments of Delegations in place:-

- Instrument of Delegation from Council to Chief Executive Officer
- Instrument of Delegation to Directors
- Instrument of Delegation to Urban Planning Committee
- Instrument of Sub-Delegation by the Chief Executive Officer
- Instrument of Delegation from Council to Members of Council Staff
- Instrument of Sub-Delegation by the Chief Executive Officer (Environmental & Civic Assets Local Law 2006)

As part of the review process, copies of Council's existing Instruments of Delegations were provided to Directors for review and update. The following changes were proposed and discussed at the Moreland Executive Group meeting held on Tuesday 29 September 2009.

Council to the Chief Executive Officer	Awarding a contract exceeding a certain value – increase from \$250,000 to \$500,000.
Chief Executive Officer to Directors	The inclusion of a Delegation to the Director Economic Development.
Council to Urban Planning Committee	The inclusion of the <i>Infringements Act 2006</i> .
Sub-Delegation by the Chief Executive Officer	Administrative changes to reflect recent changes in Council's organisational structure and position titles.
Council to Members of Council Staff	Administrative changes to reflect recent changes in Council's organisational structure and position titles.
Instrument of Sub-Delegation by the Chief Executive Officer (Environmental & Civic Assets Local Law 2006)	Administrative changes to reflect recent changes in Council's organisational structure and position titles.
Instrument of Delegation and Authorisation by the Municipal Building Surveyor	New Instrument of Delegation.

Council is required to formally adopt the following Instruments of Delegations.

- Instrument of Delegation from Council to the Chief Executive Officer (Under Separate Cover **Attachment 1**).
- Instrument of Delegation from Council to the Urban Planning Committee (Under Separate Cover **Attachment 2**).
- Instrument of Delegation from Council to Members of Council Staff (Under Separate Cover **Attachment 3**).

The Instruments of Delegations from the Chief Executive Officer to Directors, Sub-Delegation by the Chief Executive Officer and Sub-Delegation by the Chief Executive Officer (Environmental & Civic Assets Local Law 2006) do not require adoption by Council.

Delegating these revised powers ensures a smooth and consistent decision making procedure in the day-to-day administration of Moreland City Council.

Upon formal adoption of the Instruments of Delegations, Council will have met its legislative requirements as defined under Section 98(6) of the *Local Government Act 1989*.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Councillors have been consulted at the Issues & Discussion Workshop held on 12 October 2009.

5. Financial and Resources Implications

There are no financial and resource implications.

CEO32 DISADVANTAGED JOB SEEKERS (D09/158077)

Chief Executive Officer

Human Resources

Executive Summary

At the Council meeting of 8 October 2008 (CRAS14), Council resolved to form a task group comprising staff, a Councillor and external experts to guide the establishment of an employment program. The program is aimed at providing greater access to opportunities for paid employment within the Moreland City Council to disadvantaged groups such as youth, people with a disability and people from a non English speaking background (NESB).

Recommendation

Council resolve:

1. To establish the Disadvantaged Job Seekers Program Committee.
2. To nominate Cr _____ to represent Council on the Disadvantaged Job Seekers Program Committee.
3. To implement the programs detailed within this report.

REPORT

1. Policy Context

Under the EEO legislation, employers are obliged to offer equal employment opportunities. Moreland City Council has a Recruitment and Selection Policy that outlines the merit and equity principles and clearly articulates the selection procedures that support the *Equal Opportunity Act 1995*.

To complement the *Equal Opportunity Act*, this report will detail the additional access that Moreland City Council is intending to offer to externally advertised vacancies and work opportunities for the disadvantaged groups of youth, people from a Non English Speaking Background (NESB) and people with a disability in accordance with the draft Moreland Disability Access and Inclusion Policy.

2. Background

At the Council meeting on 8 October 2008 (CRAS14), Council resolved that a task group comprising staff, a Councillor and external experts be formed to guide the establishment of an employment program. The program is to be aimed at providing greater access to opportunities for paid employment within the Moreland City Council to disadvantaged groups such as youth, people with a disability and people from a non English speaking background (NESB).

3. Issues

The Human Resources (HR) Department has undertaken some initial research and met with the following three local employment services:

1. The Salvation Army, Brunswick Youth Services
2. Matchworks, Brunswick (Disability)
3. AMES Employment, Coburg (NESB)
4. Victoria University, Community Initiatives Program (Work for the Dole).

The initial meetings provided an opportunity for Human Resources to understand how these services operate and how Moreland City Council could work in with them to provide access to vacancies and assist these minority groups. An invitation to contribute to a draft terms of reference was also made at this first meeting. The draft circulated to relevant Moreland officers for feedback is at **Attachment 1** for consideration by Council.

Social Implications

Once the committee has been established and the program implemented the social implications will positively impact by providing opportunities to vacancies for members of these minority groups that may not otherwise have been possible.

Several Work for the Dole programs have also been identified and may provide work experience opportunities for up to 13 employees over the next 12 month period, as listed in **Attachment 2**.

The following industry experts and internal council officers were consulted in preparation of the draft terms of reference:

- Popi Marvomatis, AMES Employment, Coburg (NESB)
- Ruth Rywotycki, Victoria University, Community Initiatives Program
- Craig Campbell, The Salvation Army, Brunswick Youth Services
- Joe Scollo, MatchWorks, Brunswick (Disability)
- Council Officer, Unit Manager Youth Services
- Council Officer, Metro Access Officer

Actions Arising from this Program

- Human Resources will provide access to externally advertised vacancies to the listed agencies at the time of internal distribution.
- HR will coordinate the identification of projects and programs undertaken by nominated Work for Dole recipients. A list of proposed projects is attached.
- The program will be overseen by an external committee, which will be chaired by the Executive Manager, HR, with a Councillor nominated to attend on a standing basis as an observer.

Reporting & Monitoring

Activity reporting will occur at the bi annual committee meeting back to the Committee members. Work for the Dole programs and vacancy, candidate and interview data to be reported.

Administrative Processes for Implementation

- HR Officer to distribute externally advertised positions to nominated agencies above.
- Agencies to refer job seekers with 'DJ Program' in subject line of email.
- Recruitment Checklist to be modified to differentiate this group of candidates from the general pool.

Data to be gathered as follows:

- Record number of candidates referred to manager
- Record number of candidates interviewed
- One interview slot per job to be reserved by MCC for Job Network Agencies
- HR will communicate and implement at CMT and management meetings. A memorandum will also be prepared explaining the requirements and process.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Industry experts and internal Council officers were consulted in preparation of the draft terms of reference.

5. Financial Implications

The program will be coordinated and supervised by internal HR staff, MCC supervisors and Work for Dole funded supervisors where required.

DCS21 FINANCIAL MANAGEMENT REPORT - PERIOD ENDED 31 AUGUST 2009 (D09/164914)

Acting Director Corporate Services

Finance and Business Systems

Executive Summary

This report presents the Financial Management Report for the financial year-to-date (YTD) period ending 31 August 2009.

The operating performance for the period ended 31 August 2009 shows that Council has an operating result before capital revenue and other items of (\$0.309M), which is favourable by \$0.891M against budget. Revenue is approximately in line with Budget (\$0.007M) and expenditure is below budget by \$0.898M.

The main items contributing to the expense variance are employee costs \$0.900M favourable although this is partly offset by consultants and professionals (\$0.259M) and Building Consultants and Contractors (\$0.169M).

After Capital Contributions and other items the operating result is (\$0.784M), which is favourable by \$0.702M. The Budgeted position for the year-end result is a deficit of (\$1.631M), this deficit is after transferring the Budgeted Open Space Contributions of \$1.6M to the reserves to fund the 2010/11 capital works.

At this early stage in the financial year it is difficult to differentiate between permanent variances and those that merely reflect cyclical patterns. Within Attachment 1 we have attempted to identify permanent savings across the organisation.

Attachment 1 outlines high level favourable and unfavourable category results and comments on the closing cash position and capital performance. A brief snapshot of each Department is also provided.

Recommendation

Council resolves to receive the Financial Management Report for year to date 31 August 2009.

REPORT

1. Policy Context

This report supports Council's continuing commitment to open and accountable management of the financial resources of Moreland on behalf of its ratepayers.

2. Background

The Financial Management Report (**Attachment 1**) provides Council's financial results for the year-to-date (YTD) period, ending 31 August 2009. The actual results are compared to the Budget. Commentary has been provided at **Attachment 1.**

3. Issues

Operating Budget

The operating result shown in the attached Financial Management Report is favourable to budget by \$0.702M.

Revenue is \$0.007M favourable, due primarily to favourable positions in user fees and asset sales. This is offset by an unfavourable position in grants received to date.

Further commentary has been provided in **Attachment 1.**

Expenditure is \$0.898M favourable, due a favourable result in Employee Costs, which is partly offset by over expenditure within contractors. The majority of these variances have been identified as timing in nature and it is anticipated that these funds will be expended within the financial year.

Further commentary has been provided in **Attachment 1.**

Capital Works Budget

Overall capital program spending was \$1.318M behind budget year to date. Summary information has been provided in **Attachment 1.**

Cash and Assets

The cash balance has decreased by \$2.575M from the prior month. Summary information has been provided in **Attachment 1.**

4. Consultation

The Finance and Business Systems Branch has prepared this report based on information provided by Managers and reviewed by Directors.

5. Financial and Resources Implications

The overall corporate objective is to deliver the 2009-2010 budget outcomes as closely as possible in line with the adopted budget targets.

DCS22 2010 GENERAL VALUATION (D09/32680)

Director Corporate Services

Finance / Revenue and Valuation Services

Executive Summary

In accordance with the *Valuation of Land Act 1960* Council is required to return a general valuation of all rateable land within its municipal district. The return of the general valuation is undertaken every two years. The 2010 general valuation is based on the level of values as at 1 January 2010 and will be effective from 1 July 2010 for the purpose of assessing municipal rates. The general valuation is to be completed and returned to Council by 30 April 2010.

Council, in proposing to make a general valuation, must give to the Valuer General and to any other rating authority interested in the valuation of land within its area, notice of its resolution to cause a general valuation to be made.

Recommendation

Council resolves to undertake the 2010 General Valuation of all properties within the municipality and give notice to the Valuer General and all other rating authorities interest in the valuation in accordance with section 6(1) of the *Valuation and Land Act 1960*.

REPORT

1. Policy Context

Council is required to return a general valuation of all properties within the municipality in accordance with the provisions of the Valuation of Land Act 1960.

2. Background

The *Valuation of Land Act 1960* requires Council to cause a valuation of all rateable properties within its municipal district to be made as at 1 January in every even calendar year.

The 2010 general valuation, which will be based on the level of values as at 1 January 2010 and will be effective from the 1 July 2010, is to be returned to Council by 30 April 2010.

3. Issues

Council in proposing to make a general valuation of all properties within the municipality is required to give notice of its resolution to the Valuer General and to every other rating authority interested in the valuation of land.

4. Consultation

This process is a requirement of Council, no consultation is required.

5. Financial and Resources Implications

Council is required to provide returned valuations to other authorities for a fee in accordance with the *Valuation of Land Act 1960*, for the purpose of assessing rates and taxes. In providing these valuations to other authorities Council will be reimbursed 50% of the cost of the general valuation and supplementary valuations from the State Revenue Office and will receive a fee for supplementary valuations from Yarra Valley Water in accordance with respective agreements.

DCD62 INTEGRATED WATER MANAGEMENT PLAN (D09/155590)

Director City Development

Sustainable Development/ESD Unit

Executive Summary

The Moreland Integrated Water Management Plan (IWMP) (Under Separate Cover Attachment 1) has been developed following a review of Council's previous water strategies, the Moreland Stormwater Management Plan (2001) and Watershed Plan (2005).

The development of the IWMP is also in response to the current and emerging issues impacting on the management of water resources, in particular climate change and population growth.

The IWMP is focused on actions that Council will undertake to reduce potable water consumption, reduce stormwater pollution and increase the use of alternative water sources (e.g. water recycling and stormwater reuse). It is also recognised that Council has a significant role in encouraging sustainable water management within the community and this is also reflected in the actions within the IWMP.

The targets and actions within the IWMP aim to incorporate the principles of 'integrated water management' into Council and the community's water management practices and focus on 7 priority areas that address the following:

- The highest water consuming areas of Council's activities;
- Council activities with the greatest impact on water quality;
- Community engagement and education;
- Sustainable water management in private development;
- Monitoring and reporting on progress; and
- Working with external organisations and capacity building.

The implementation of the IWMP will provide the following benefits:

- Provide greater security of supply for Council assets and operations;
- Ensure that Council can continue to provide and maintain valuable community assets and services (e.g. sports fields, passive open space);
- Reduce the pollution and flood impacts of Council capital projects and private developments; and
- Increase efficiency of water use providing significant cost savings due to the rapidly increasing cost of water and sewage disposal.
- Utilise major Council infrastructure projects (e.g. the Coburg Initiative) to 'showcase' more sustainable water management practices.

Recommendation

Council resolve:

1. To adopt the Moreland Integrated Water Management Plan 2009/2010-2012/2013 (IWMP) (Attachment 1).
2. To note the significant increase in the Council's water costs over the 4 years of the IWMP, primarily arising from the costs associated with the new desalination plant.

1. Policy Context

The Council Plan 2009-2013 contains the water conservation targets from the Watershed Plan to reduce Council water consumption 25% by 2011 and reduce community water consumption 20% by 2011 from baseline consumption in 2001. Key Strategic initiatives from the Council Plan 2009-2013 are to develop the Integrated Water Management Plan and undertake a stormwater reuse and recycling feasibility assessment.

2. Background

The development of the IWMP builds on Councils previous water strategies and implementation of sustainable water management practices to date. Over the past 10 year period Council has implemented a range of initiatives aimed at improving water management, including:

- Installation of stormwater treatment systems including gross pollutant traps and bioretention systems;
- Implementing water efficiency measures at Council buildings and open space facilities;
- Undertaking and supporting community stormwater education programs and waterway rehabilitation works in conjunction with Waterwatch, Merri Creek Management Committee and Moonee Ponds Creek Coordinating Committee;
- Completing a program of swimming pool shell repairs at Council owned aquatic centres; and
- Encouraging sustainable water management practices within private development through the planning approvals process.

The IWMP will continue to support many of these existing initiatives and also aims to provide a strategic response to current and emerging issues impacting in water resource management, including:

- Climate change – reduced availability of potable water supplies and added pressures on the stormwater system;
- Population growth – higher demand for limited water supplies and pollution pressures caused by urban consolidation;
- Regulatory and policy – water restrictions and regulated water management requirements;
- Economic – increasing water and sewage charges; and
- Knowledge and technology – developments in water recycling, stormwater reuse and stormwater treatment.

3. Issues

Water Supply and Consumption

Uncertainty remains around the availability of potable water supplies into the future. It is anticipated that the State Government desalination plant (due to be operational in approximately 2012) will result in a gradual easing of water restrictions in the medium term.

However, the introduction of these and other proposed water supply projects does not provide a permanent solution for water supply issues facing Melbourne. The impacts of climate change and population growth mean that such a response only provides a temporary reprieve. This is an opportunity for Council, along with other agencies, to plan and implement strategies to provide ongoing resilience to the challenges presented by climate change and population growth. The desalination plant is also contributing to large water and sewage price increases over the next 4 years, with Council's water costs set to increase significantly.

Council water use has declined significantly in recent years (by approximately 50% from 2001 water use), however, this is largely due to the impact of water restrictions on open space water use. Additionally, community water use has reduced by over 20% over the same period, also significantly influenced by water restrictions.

Council actions have focused on efficiency measures such as transitioning sports fields to warm season turf, improving the efficiency of irrigations systems, water efficiency measures in Council facilities and pool shell upgrades.

The IWMP proposes to continue and expand current programs to improve efficiency of water use, while exploring options to increase the use of alternative sources of water, including water recycling and stormwater reuse. The IWMP also sets efficiency and water consumption targets for specific areas of use within Council.

Water Quality and Waterway Health

Water quality within the urban stretches of the Merri and Moonee Ponds Creeks is rated as 'poor' or 'very poor' based on Melbourne Water's water quality and waterway health indicators. Water quality testing by Waterwatch and monitoring groups within Moreland frequently records testing results that fall outside of the State Environment Protection Policy guidelines. This reflects continued high levels of diffuse and point source pollution throughout Moreland's urban catchments. Further decline in the health of Moreland's waterways is likely without appropriate strategies aimed at providing improvements in stormwater quality.

The IWMP proposes to develop an improved strategic framework focused on the increased adoption of water sensitive urban design within Councils capital works programs and also within private development utilising planning controls and local laws. A key action is to develop municipal stormwater quality targets and link these to future capital works which impact on stormwater quality.

Social Implications

Water is important to the delivery and maintenance of numerous Council services. Ensuring sustainable water use is critical to maintaining levels of services for the community in an environment where water resources are becoming increasingly scarce, costly and access restricted.

Additionally, sustainable water management practices within the community provide for resilience against the impacts of climate change, whether this is the use of rainwater for garden use or utilising water sensitive urban design to assist in mitigating the impacts of climate change in the urban environment.

Economic Implications

Water price increases will have an impact on both Council and community water consumption. A return to water use levels for open space equivalent to those prior to the introduction of water restrictions would result in increases in water expenditure to \$800K per year in 2012/13 compared to baseline water expenditure of below \$400K per year.

Therefore, in addition to water efficiency measures, the IWMP proposes a cap on water use for sports fields of 150ML per year to ensure that a more sustainable level of water use is encouraged in line with the easing of water restrictions.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

- Internal consultation has been undertaken throughout the process of developing the IWMP with all Council branches with responsibility for implementing the IWMP being consulted.
- The Portfolio Councillor City Development, Cr Connellan, was provided with a draft version of the IWMP for review.
- Community consultation involved an exhibition period for the draft IWMP of one month advertised in the *Moreland Leader* and on the Council website and a presentation and discussion a meeting of the Sustainable Moreland Advisory Group (SMAG), a Council Committee, and also inviting members to make written submissions.
- Two written public submissions were received as part of the consultation process and feedback has been incorporated into the IWMP.

5. Financial and Resources Implications

A budget of \$20K is allocated to undertaking a stormwater reuse and water recycling feasibility study in 2009/10. Additional financial resources are available through external funding sources such as Melbourne Water's Living Rivers program.

Further capital and operating budget bids will be completed over the next 3-year period.

DCD63 BUILDINGS GAS CONTRACT (D09/166147)

Director City Development

Sustainable Development Branch / ESD Unit

Executive Summary

Council was notified in late September 2009 about the opportunity to participate in a group tender process for gas contracts for Council buildings. The group tender brings together a large number of other local governments across Australia as well as other organisations with the aim to extract the best price from the market due to the volume being offered.

Previous Council electricity and streetlight contracts have been managed by Strategic Purchasing. This organisation acts on behalf of Council with the aim of achieving security of supply, reduced risk, strategic advantage through reduced costs, improved supplier quality and support. This appointment complies with Section 186 of the *Local Government Act 1989*.

In order to reduce cost, risk and gain the best price, Council will be participating in a group gas tender process prior to 31 December 2009. The proposed timing is currently 21 October 2009 – though this may be subject to change depending on market conditions.

The gas market can at times be unstable with wholesale price fluctuations, it is therefore critical that the timing of the tender be appropriate. As such the expertise of a group like Strategic Purchasing is important. Additionally, traditional lengthy settlement signing timelines will likely result in a less favourable offer to Councils. As such it has been recommended that Council delegate authority to the Acting Director Corporate Services to sign the gas contract in order to expedite the process.

Recommendation

Council resolve to authorise the Acting Director Corporate Services to enter into a contract with the appropriate energy retailer for the provision of gas for Council buildings.

1. Policy Context

Key Council assets are supported by the supply of gas and therefore are clearly linked to Council's ability to deliver projects and community services.

The Council Plan 2009 - 2013 highlights a commitment to align financial resources of Council to meet the needs of the community now and into the future.

2. Background

Council has previously participated in an electricity tender through Strategic Purchasing and all large and small market electricity contracts sit with AGL – through Strategic Purchasing. Additionally, the process of the tender and appointing Strategic Purchasing complies with Section 186 of the *Local Government Act 1989*.

Council's gas expenditure in 2008/09 was approximately \$250k.

A key learning from the 2007 electricity tender process was the markets unwillingness to hold prices for long periods of time due to fluctuating wholesale prices. While it is not expected that gas pricing will be as volatile, the flexibility of being able to complete the contractual arrangements in a short period of time can potentially decrease the costs to Council.

As such, the Acting Director Corporate Services is seeking delegated authority from Council to be able to enter into gas related contracts with an appropriate retailer in order to secure Council's supply and price stability.

3. Issues

Environmental Implications

Energy costs have increased markedly since 2007 and are likely to continue to be higher than historic levels well into the future. To counter this cost Council will need to prioritise energy efficiency in all appropriate Council assets. Full implementation of the Climate Action Plan is critical to achieve this.

4. Consultation

Consultation has occurred with Corporate Services – Finance and Business Systems Branch and the Portfolio Councillor City Development, Cr Connellan.

5. Financial and Resources Implications

Experience in September 2007 with the electricity contract process suggests that Council should prepare for an increase in gas prices, but at this stage it is unclear what this may be.

Additionally, future carbon trading schemes are likely to lead to an increase in the price of gas due to the amount of carbon emitted – though this will be less relative to electricity. This means that maximising energy efficiency projects now and into the future is critical.

DCD64 PRIVATE & COMMERCIAL USE OF PUBLIC PLACES POLICY- DRAFT FOOTPATH GUIDELINES (D09/164840)

Director City Development

Urban Safety

Executive Summary

The Private and Commercial Use of Footpaths Policy (“the Policy”) (adopted by Council on 11 June 2008) (Attachment 1) provides a high level framework for the assessment of permit applications made pursuant to the Local Law, and is intended to be supplemented by Appendices, designed to apply the policy to particular public places or classes of public place.

This report fulfils the Section 223 requirement by summarising the verbal submission made at the Urban Planning Committee meeting on 22 July 2009 in relation to the Draft *Footpath Guidelines* (“the draft guidelines”) (Attachment 2), which, if adopted, will be Appendix two of the Policy and will apply to all footpaths within Moreland.

A verbal submission was heard from the Moreland Pedestrian Group. The submission reiterated many of the points in the Moreland Pedestrian Group’s written submission.

Recommendation

Council resolve:

1. To adopt the Private and Commercial Use of Public Places Policy. Appendix B – Footpath Declared Area guidelines (Attachment 2).
2. That the submitters be notified in writing of Council’s decision and the reason for that decision.

1. Policy Context

Clause 22 of the *Moreland City Council General Local Law 2007* (“the Local Law”) provides that a person must not, without a permit, on or in a public place, display goods or place chairs, tables, street furniture, outdoor eating facilities or moveable advertising signs.

The *Private and Commercial Use of Footpaths Policy* (“the Policy”) (adopted by Council on 11 June 2008) (**Attachment 1**) provides a high level framework for the assessment of permit applications made pursuant to the Local Law, and is intended to be supplemented by Appendices, designed to apply the policy to particular public places or classes of public place.

Section 223 of the *Local Government Act 1989* provides for a person to make a written submission to Council. Council is required to receive written submissions within 28 days of advertising in the local newspaper and, at a subsequent Committee or Council meeting, to hear from persons wishing to speak on behalf of their submissions. Council is required to take into account all submissions received and to notify each submitter of Council’s decision and the reasons for that decision.

2. Background

At its meeting on 11 June 2008, Council resolved to adopt for implementation the Policy and the *Guidelines for the Victoria Mall Declared Area* and further resolved that a report be presented to a future Council meeting in order for Council to commence consultation in regard to Guidelines for use of footpaths.

The report to commence consultation in regard to Guidelines for use of footpaths was presented to Council on 13 August 2008, and Council resolved to note the draft guidelines and to commence consultation.

This report fulfils the Section 223 requirement by summarising the verbal submission made at the Urban Planning Committee meeting on 22 July 2009 in relation to the Draft *Footpath Guidelines* (“the draft guidelines”) (**Attachment 2**), which, if adopted, will be Appendix two of the Policy and will apply to all footpaths within Moreland.

3. Issues

The 22 July 2009 report to the Urban Planning Committee meeting (D09/112120) provided a detailed explanation of the issues associated with the introduction of the draft guidelines.

Summary of Verbal Submission

A verbal submission was heard, at the aforementioned Urban Planning Committee meeting, on behalf of the Moreland Pedestrian Group. The submitter reiterated many of the points in the Moreland Pedestrian Group’s written submission. His key points included:

1. The shopping strip footpaths are not just a thoroughfare but have other uses
2. The draft guidelines are unrealistic for a lively shopping centre
3. The draft guidelines will not make it easier for the disabled
4. Emphasised the need for visible markings on footpaths to delineate permit zones
5. The draft guidelines will force cyclists who can legally share footpaths close to shops causing safety concerns

6. The permit zones should be considered on a block-by-block basis. Extra wide footpaths should be treated as a special case.
7. Tables and chairs should be permitted along building lines.
8. Draft guidelines will result in tables and chairs being damaged by the weather.

Officer responses to these points and other's of the Moreland Pedestrian Group are contained in Attachment 4 of the UPC report dated 22 July 2009.

Of the points above, Point 4 is considered reasonable and will be considered for incorporation into the draft guidelines, if found necessary, following the initial implementation phase of the adopted guidelines.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

A full section 223-consultation process has taken place as prescribed by the *Local Government Act 1989*. The UPC report dated 22 July 2009 contains a full explanation of this consultation process.

The final step in the consultation process is to notify submitters in writing once a decision on the adoption of the draft guidelines is made by Council.

The Portfolio Councillor City Development, Cr Connellan, has been consulted in the development of this report.

5. Financial and Resources Implications

There are no financial implications arising from this report.

DCD65 REVIEW OF BUILDING ACT FEES AND CHARGES (D09/164382)

Director City Development

Urban Development and Urban Safety

Executive Summary

Following a review of Council's building functions, which resulted in a restructure of the Urban Planning and Building Services Branch, a review of *Building Act* associated fees and charges has been conducted.

The review of building services resolved the need to redirect Council's building surveyor resources towards Council's building compliance statutory responsibilities and to scale back the building approvals functions by ceasing work external to the municipality and focusing on the provision of a quality building service to local residents and businesses within Moreland.

Amended fees have been proposed for building permits and associated charges, together with some new fees for compliance related inspections. In most cases proposed building permit fees have been reduced and where possible set fees have been proposed. This reflects a new strategic service goal, which is to target Council's building approval service primarily to Council residents and small businesses who may present with low to medium value building applications.

Recommendation

Council resolves to adopt the proposed Schedule City Development Building Fees and Charges contained in Attachment 1 to the report.

1. Policy Context

Council's Building Surveyors perform functions under the *Building Act*, regulations and related Codes of Practice. The *Building Act* provides that Council may in certain circumstances, such as building permits and occupancy permits, determine fees in accordance with the *Local Government Act 1989*. The Building Regulations 2006 provides a framework for fees and charges, or in particular instances specifies fees and charges, which cannot be varied by Council.

2. Background

A review of Council's building functions was recently conducted and resulted in a restructure of the Building Services Branch. The building approval functions now sit under the Urban Development Branch and the building enforcement functions sit under the Urban Safety Branch.

Key strategic goals of the restructure were to reallocate resources to Council's building enforcement function, whilst refocusing the building approval function to the issue of permits within Council's municipal boundaries. The review highlighted Council's continuing decline in building permit numbers, particularly in high value building permit applications, a trend found uniformly across the local government sector. Council's building approval function will now predominantly offer a building approval service to low to medium value permit applicants, such as new domestic dwellings, garages, carports, renovations and alterations, restumps and underpinnings, demolitions and removals.

The review of Council's *Building Act* related fees and charges has been conducted with these strategic goals in mind.

3. Issues

The bulk of revenue associated with Council's building function arises from building permit applications, at around \$100,000 per annum. New fees have been proposed for building permit fees. The review resolved that in most cases building permit fees be reduced and where possible, set fees be proposed to make fees readily understandable and administratively less complex.

Strategic Goals

This also reflects the strategic goal, as mentioned above, which is to target Council's building approval service primarily to Council residents and small businesses with low to medium value building applications. This also reflects a change in service policy from competing within the private building surveying market, both inside and external to Moreland, to providing a service for the residents and business owners of Moreland.

Examples of proposed building permit fees are included in **Table 1**.

Attachment 1 sets out current and proposed fees and charges, both statutory and non-statutory, and details the percentage change in fee amounts for each fee proposed. Statutory fees and charges are included for information only and do not require adoption by Council. The proposed fees and charges are comparable with those of a number of neighbouring municipalities.

Table 1. Examples of proposed building permit fees

Building Permit Type	Value range	Proposed
New Dwelling (domestic)	<=\$500,000	\$1450 set fee
Dwelling extension/alteration (domestic & minor structures)	<=\$40,000	\$ 550 set fee
Dwelling extension/alteration	>\$40,000 and <=\$500,000	\$950 set fee
Restump/Underpin	NA	\$550 set fee
Carport/Garage/Shade Structure/Water Tank	NA	\$550 set fee
Swimming Pool/Spa	<=\$100,000	\$550 set fee
Demolition (Dwellings & Outbuildings)	NA	\$550 set fee
Demolition (Commercial)	NA	\$450 per storey with a \$650 minimum
Non-Domestic and Commercial Structures Classes 2-4 New Building	<=\$1,000,000	\$530 + 0.9% COW*

*COW = Cost of Building Work

Discretion to quote a fee

The fee schedule (**Attachment 1**) provides for the Municipal Building Surveyor to provide a permit cost quotation in cases of building permit applications where the cost of works exceeds set levels. For instance, where a quotation for a building permit is requested for a commercial development (Class 2-4) that exceeds \$1,000,000 in value, Council's Municipal Building Surveyor may approve a quotation for a permit fee. This process reflects the commercial realities of the building surveying profession, and enables Council to offer a competitive service to commercial developers within Moreland, although it is anticipated that this component of Council's building permit function will remain quite low.

It is proposed that this discretionary authority granted to the Municipal Building Surveyor is guided by policy and procedure approved by the Director City Development.

Inspection fees

The review has proposed a significant increase of 76.7 per cent in building inspection fees to ensure full cost recovery in most cases. However as inspection fees are included in building permit fees, most applicants will only be affected by the increase when additional inspections are required.

The review of Building Services also explored opportunities to reduce the cost burden of pro-active building enforcement activity through new revenue options. Following legal advice, new inspection fees have been proposed for building compliance inspections related to a Building Act Notice or Order, initiated at the request of an owner, and for inspections related to Building Act Notices and Orders where the work is found unsatisfactory or incomplete. The quantum of these fees is \$150.00 and \$330.00 respectively.

This will assist to recoup some costs associated with Council's increased building compliance function.

Economic Implications

Overall the proposed Building Act related fees and charges will offer a more competitively priced building permit service focused on residents and small business owners in Moreland.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor City Development, Cr Jo Connellan has been consulted concerning issues associated with the building fees and charges review.

5. Financial and Resources Implications

It is anticipated that building permit revenue will continue to fall in the 2009/10 financial year following the decision to cease the provision of building services external to Moreland. External building approvals for minor works such as restumps of dwellings accounted for in excess of 50 per cent of revenue in recent years. However, it is proposed to promote Council's new building approvals service and fees once Council's new building approvals team is fully established.

DCI58 BICYCLE ROUTE ASSESSMENT REPORT - COBURG TO GLENROY (D09/150423)

Director City Infrastructure

Engineering and Transport

Executive Summary

Very few bicycle routes exist in the north of our municipality, and as such, there are fewer cyclists in the north of the municipality. To address this, Council is seeking to provide a safe and continuous bicycle route linking the activity centres of Coburg and Glenroy.

The Moreland Bicycle Users Group (BUG) prepared a preliminary concept for such a route in 2008, and this has formed the basis for a report prepared by SKM Consulting (see Attachment 1) that identifies route options and treatments for a safe route linking the two suburbs. The report provides a professional assessment of the Moreland BUG proposal, deviating from its proposal at times to provide a more suitable or safer alternative.

The route passes many community facilities, schools, kindergartens and shopping precincts, and links into existing transport. The intention of this is not just to provide a link between Coburg and Glenroy, but also to provide local people with a facility that will link into the places and spaces they need to access.

Most of the route is planned for local roads or parks however, a short section is planned for Cumberland Road, which is controlled by VicRoads. Council will need to apply for permission from VicRoads to implement this section.

The implementation of certain sections of the route will involve parking bans along one or both sides of particular streets. These include Glenroy Road and Cumberland Road. Council will conduct preliminary parking studies at these sites, and consult with local residents prior to implementing the proposed changes.

Funding for the implementation of this route has been staged over the next five years (subject to budget approval), and Council will apply for grant funding to supplement Council funds when available.

Recommendation

Council resolve:

1. To endorse the bicycle route as identified in the Moreland Bicycle Route Assessment – Glenroy to Coburg.
2. To refer the works identified in the report to the Capital Works Program for consideration of funding over the next five years.

1. Policy Context

Improving cycling infrastructure, particularly in the north is supported by the vision in Council's Municipal Strategic Statement (MSS): "...to create an environmentally sustainable and liveable city where people can shop, work and socialise locally. A city where a car and a high income are not necessary for a rich and rewarding quality of life."

The need for a specific bicycle route linking Coburg to Glenroy is identified in the draft Moreland Integrated Transport Strategy (2009). Bicycle access to the Glenroy and Coburg Activity Centres is also addressed in the corresponding structure plans.

2. Background

Many short trips can be undertaken by bicycle, and the Moreland Bike Plan has a comprehensive works program for improving the bike networks and programs for encouraging more people to take up riding in lieu of car trips. Council is in the process of upgrading its on-road bicycle network, and has identified that there are few cycling links in north of the municipality. Melbourne 2030 identified both Glenroy and Coburg as activity centres, and Council would like to provide a continuous bicycle route linking these two centres. The car culture, traffic conditions and lack of bike facilities are not as conducive to cycling when compared to south of Bell Street.

As a consequence, there are fewer cyclists in the north of the municipality.

Fortunately, there is great potential of cycling in the north, as the northern suburbs feature many wide roads.

Members of Moreland BUG conducted some preliminary work in 2008 for a proposed route linking these centres, and this document is an appendix contained in under separate cover **Attachment 1**. Their proposed route connects numerous local schools, parks, shops and community facilities, effectively linking people to where they want to travel.

Moreland City Council engaged a consultant to provide a professional review of its proposal, and to identify options and appropriate treatments to create a safe, feasible and mainly separated cycling facility. The report recommends improvements to the original proposal and these improvements are supported by Council officer assessment.

3. Issues

Part of the route is planned for Cumberland Road, which is controlled by VicRoads. Council will need to seek permission from VicRoads before this section can be constructed.

To implement certain sections of the route will involve parking bans along one or both sides of particular streets. These include Glenroy Road and Cumberland Road. Council will conduct preliminary parking studies at these sites, and consult with local residents prior to implementing the proposed changes.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Consultation of the route assessment report was conducted with the Moreland BUG to seek its input following the production of the initial draft report. Its comments have been incorporated into the final version. Consultation with affected residents will occur prior to construction of the bicycle route.

5. Financial and Resources Implications

Council officers have developed a bicycle capital works budget, which includes funding for the next five years to construct a bicycle route between Coburg and Glenroy. This year, Council has applied for funding from the Department of Transport's Local Area Access Program (LAAP) to supplement Council's own funds to construct more of the proposed route. Council will also seek funding from other external sources as opportunities arise.

DCI59 BICYCLE ADVISORY COMMITTEE (D09/139991)

Director City Infrastructure

Engineering and Transport

Executive Summary

At the 10 June 2009 meeting Council resolved to establish a Bicycle Advisory Committee for the specific purpose of providing advice on the formulation of the Moreland Bike Plan.

This report seeks Council's approval of Committee membership, and the terms of reference of the Committee.

Recommendation

Council resolve:

1. Establish a Moreland Bicycle Advisory Committee with the membership as detailed within the report.
2. Endorse the terms of reference for the Bicycle Advisory Committee (Attachment 1).

1. Policy Context

Reviewing the Moreland Bike Plan is an action within the Draft Moreland Integrated Transport Strategy, and has been identified in the Strategic Operational Plan 2009/2010. Formation of a Bicycle Advisory Committee provides community input into the review of the Moreland Bike Plan

2. Background

At the 10 June 2009 meeting Council resolved:

- To establish an advisory committee for the specific purpose of providing advice on the formation of the Moreland Bike Plan.
- The Committee shall include three representatives of the Moreland Bicycle Users Group, representatives of Bicycle Victoria and the Cycling Promotion Fund (1 each), three additional community appointees with geographical representation, the Councillor Responsible for Sustainable Transport and any interested Councillor.
- A report is prepared seeking Council's approval of Committee membership, and the terms of reference of the Committee.

The Moreland Bike Plan is nearly 10 years old. Cycling rates in Moreland have more than doubled since the bike plan was endorsed in 2000 and many of the action items in the plan have been completed. The bike plan needs updating to ensure Council's bicycle planning continues to meet the needs of residents and cyclists who visit our municipality.

It has also been identified that the committee as a group that could assist Council to discuss planning for the future of sports cycling in Moreland.

3. Issues

The Council resolution specified the group composition however, nominations were not received from Bicycle Victoria or the Cycling Promotion Fund.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Sustainable Transport Officer sought input from Bicycle Victoria and the Cycling Promotion Fund with email and phone contact. Both organisations declined to nominate a representative to the committee. They expressed interest in the Council's Bike Plan review process and intend to provide comments on the plan when it reaches the public consultation draft stage.

The Sustainable Transport Officer also sought nominations from members of the Moreland BUG. Four members expressed interest in joining the committee and the Moreland BUG convener has requested that these members be permitted to fill the three positions on a rotating basis.

In total Council received 12 nominations, including members from the Brunswick Cycling Club and Coburg Cycling Club, volunteers from the CERES bike shed, and residents with bicycle planning experience.

The following table lists the members of the Moreland Bicycle Advisory Committee:

NAME	POSITION	DETAILS
Cr Toby Archer	Councillor Rep	Sustainable Transport Portfolio Councillor.
Floating Councillor Position	Councillor Rep	
Anna Stempel	Moreland BUG Rep	Convener, Moreland BUG
Phoung Le	Moreland BUG Rep	Secretary, Moreland BUG
Alisa Bunbury	Moreland BUG Rep	Member, Moreland BUG
Rod Callender	Moreland BUG Rep	Member, Moreland BUG
Sheryl Vicino	Community Rep	Secretary, Brunswick Cycling Club
Nathan Fraser	Community Rep	Vice President, Brunswick Cycling Club.
Frank Harkins	Community Rep	President, Coburg Cycling Club.
Raelene Lesnovska	Community Rep	Member, Coburg Cycling Club
Katie Dickson	Community Rep	Moreland resident and cyclist with experience promoting cycling within local government. Not affiliated to any club.
Greg Dickson	Community Rep	Moreland resident and cyclist CERES bike shed volunteer.
Caroline Cook	Community Rep	Moreland resident and cyclist. Not affiliated to any club.
Jacqui McKenzie	Community Rep	Moreland resident and cyclist with urban design and health promotion experience. Not affiliated to any club.

5. Financial and Resources Implications

This committee will meet monthly in Council meeting rooms and require out-of-hours attendance of two staff members.

DCI61 BUS SHELTERS STATUS REPORT (D09/154131)

Director City Infrastructure

Engineering and Transport

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 1 to this report will not be publicly disclosed because it relates to contractual matters.

Executive Summary

There are approximately 650 bus stops throughout the City of Moreland, and 194 of these bus stops currently have a bus shelter. Throughout the year, Council received requests for bus shelters to be installed at other bus stops.

The bus shelter contract which Council entered into has resulted in 100 new bus shelters being recently installed. This has been well received by bus travellers and there has been a growing number of requests for more bus shelters, resulting in a back log of requests.

Included in the backlog, are requests for shelters along O'Hea Street. These shelters were originally proposed during the consultation period, however due to the period of time that elapsed prior to this project being constructed, the shelters originally earmarked for O'Hea Street were reallocated to other areas.

Council has two opportunities to provide more shelters without drawing on capital expenditure:

1. Under the existing contract with JC Decaux, Council can receive additional shelters at no cost, so long as half of them contain advertising; and,
2. Council can purchase non-advertising shelters outright, using other sources of infrastructure funding.

Recommendation

Council resolve:

1. To investigate external funding opportunities for the provision of additional bus shelters without advertising.
2. To liaise with JC Decaux for the provision of additional sites suitable for advertising shelters.
3. To provide seats for all O'Hea Street bus stops now, and a shelter for key stops when available.

1. Policy Context

The Moreland Integrated Transport Strategy seeks to encourage the use of alternatives to private vehicle use. A bus shelter is one way to provide for, and encourage, bus travel.

2. Background

Moreland entered into Contract CO1066 for the provision of maintained bus shelters with JC Decaux. 100 bus shelters have been installed and the Contract is in the second year of a 20-year maintenance phase.

In addition to the JC Decaux bus shelters, there are shelters provided by AdShel under a contract with the former PTC. There are now approximately 140 fully maintained, 'private' bus shelters in Moreland.

Together with bus shelters maintained by Council, there are approximately 190 bus stops with bus shelters in Moreland – i.e. 30% of bus stops have a bus shelter. This is comparable to Darebin City Council, which has bus shelters at approximately 25% of bus stops.

The provision of 100 new bus shelters has created an expectation in the minds of bus patrons that Council should provide more shelters. There is a backlog of requests for 26 bus shelters across Moreland, including eight within O'Hea Street.

3. Issues

Council has a number of opportunities for additional bus shelters under the terms of the JC Decaux contract. Council is able to receive more bus shelters on the basis of one bus shelter without advertising for every bus shelter with advertising. JC Decaux has requested that to make this arrangement commercially viable, it needs Council to grant planning permits to a minimum of five advertising bus shelters at any one time.

Opportunities for providing bus shelters with advertising are restricted and no further sites were available at the time the installation phase of the contract was completed two years ago.

In the intervening two years, the Department of Transport has conducted a bus service review on bus operations in the north, with another review for southern bus routes having just commenced. Due to revisions already made to two routes, and with further opportunities potentially available, for example when a Pentridge Boulevard bus route becomes operational, Council may be able to grant permits to an additional five advertising (and therefore, five non-advertising) bus shelters at no cost to rate payers.

Under the terms of the Contract, JC Decaux has exclusive rights to street furniture with advertising in the City of Moreland, no rights exist for other companies to provide bus shelters subsidised by advertising for the duration of the contract.

External Funding Opportunities

Assuming five advertising sites can be found and planning permits are granted, 10 additional bus shelters will not meet the backlog of demand. Council is able to purchase additional bus shelters from JC Decaux, see Confidential **Attachment 1** for costs. As this is a substantial financial burden on the community, Council could look to external sources of funding.

Priority Requests for Shelters

At the time the reconstruction of O'Hea Street was planned, Council indicated that it would supply a new bus shelter at all eight bus stops. Due to timing issues, the bus shelters were installed elsewhere. O'Hea Street residents have an expectation that these bus shelters would be installed. The bus shelters were promised prior to other requests Council has received. Therefore, it is considered that at least the main stops in O'Hea Street should be given priority when new bus shelters are available. It is proposed that key bus stops in O'Hea Street are to be determined in consultation with the bus company following criteria developed by Council. In the interim, all O'Hea Street bus stops should at least receive a seat.

Environmental Implications

A substantial proportion of the materials making up JC Decaux bus shelters are recyclable and bus shelters without advertising have an internal light that is solar powered.

Social Implications

The provision of bus shelters improves the well being of the elderly, disabled and economically disadvantaged sectors of the Moreland community.

Economic Implications

Under the terms of the contract, Council receives an annual reimbursement based on the number of advertising panels. More bus shelters with advertising would increase the payment.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Cr Archer, Councillor Responsible for Sustainable Transport, and Cr Kavanagh, Portfolio Councillor City Infrastructure, have been consulted on the issues. Advice was sought from officers involved in Transport and Statutory Planning.

5. Financial and Resources Implications

Under the contract with JC Decaux additional bus shelters may be provided for the community at no cost to ratepayers and with an increased annual revenue stream to Council.

If Council was to purchase bus shelters outright, the capital cost would be approximately \$18,000, for one shelter similar to those provided under the above contract. The annual maintenance cost is would be approximately \$800 per year, per shelter.

The cost of installing eight seats at the all stops along O'Hea Street (between Sussex Street and the railway line) is \$10,000 which can be funded from the street furniture budget.

DCI62 BLACK STREET/BARKLY STREET – PROPOSED PARKING RESTRICTIONS (D09/162289)

Director City Infrastructure

Engineering and Transport

Executive Summary

Council has received complaints from residents in the area bounded by Sydney Road, Wilson Avenue, the railway line and Brunswick Road, that existing parking restrictions in the area are unsatisfactory.

Consultation has been undertaken to ascertain support or otherwise for introduction of permit parking at the locations shown in Attachment 1 between 9pm and 6am Monday to Sunday.

The results were:

- 158 questionnaires mailed out
- 11 'yes' responses
- 6 'no' responses.

Recommendation

Council resolve:

1. To implement Permit Zone parking restrictions in Barkly Street, Black Street and Wilson Avenue as shown in Attachment 1 between 9pm and 6am Monday to Sunday.
2. Advise the residents, businesses and property owners in the area of the outcome of this report.

1. Policy Context

The Moreland Parking Strategy provides guiding principles that inform the context under which this issue should be investigated. They are:

- Principle 7 – Consider a wide range of policy tools (incentives and disincentives) and new transport technologies to improve parking in Moreland. For some approaches and technologies, local pilots may be required.
- Principle 14 - Ensure parking infrastructure design, construction and management are environmentally friendly, encourage street revitalisation, improve amenity and community safety and increase economic activity.

2. Background

In recent months Council has considered a number of issues associated with this area. At the August meeting of Council, Council resolved to fence and lock the carpark on the corner of Black and Barkly Street. A further report will be presented to a future Council meeting on the long-term future of this carpark.

During the discussions with residents regarding the concerns about the Black Street carpark, residents requested that the onstreet carparking restrictions be altered. The purpose for altering the onstreet carparking restrictions is to restrict non residents (principally patrons of the entertainment venues) from parking in the area and disrupting the residents when they return to their cars after attending the venues.

Consultation was initially undertaken in August 2009, with a questionnaire sent to all residents, businesses and non-resident owners. The purpose of the consultation was to ascertain support or otherwise for the introduction of permit parking between 6pm and 11pm Monday to Sunday. The results of the consultation were:

- 158 questionnaires mailed out
- 10 'yes' responses
- 15 'no' responses.

The main reasons given for 'no' votes were:

- The parking restriction times should finish later than 11pm in order to discourage anti-social behaviour that has been occurring later than 11pm in the area
- Restrictions beginning at 6pm would impinge on many businesses in the area. Many businesses in Sydney Road and the surrounding area still operate after 6pm.

As a result of the responses to the August consultation, it was determined that a second questionnaire should be circulated with amended hours. This second circular was then sent out, proposing restrictions between 9pm and 6am. This consultation closed on 21 September 2009 and the results were:

- 158 questionnaires mailed out
- 11 'yes' responses
- 6 'no' responses.

Considering the profile of the issues in the area, the number of responses to the circular is very low.

The 'no' responses concerned the following issues

- Availability of parking for visitors
- Input on small business who offer late night trade

- Wilson Avenue is mainly commercial therefore there is no benefit in applying restrictions in this street
- Restrictions should commence at 5pm and there should be no fee for the permit

3. Issues

- Council has received complaints from residents in the area regarding noise and other anti-social behaviour late at night. It is claimed that most of this is caused by patrons of various entertainment venues in Sydney Road
- The Council owned carpark located at the intersection of Barkly Street and Black Street is being fenced and will be locked every night between 11pm and 6am to discourage noise and other anti-social behaviour within the carpark
- The study area is zoned variously as Business Use B1Z / B3Z and Mixed Use MUZ Zones which means that neither residents nor businesses in the area can expect to be provided with the amenity afforded by a pure Residential or Commercial Zone respectively
- The issue is not a parking issue, however parking restrictions are being used to move anti-social behaviour
- By restricting parking within this area, the patrons who currently park there will move onto other areas and potentially the issue could just be moved
- Council does not provide regular enforcement during these hours (11pm and 6am). The Victorian Police force also has the power to enforce these restrictions, however, are not resourced to provide regular enforcement.
- The residents of the area would be required to obtain a resident parking permit to legally be able to park within the zones.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Consultation with the residents has occurred via a public meeting initially and two circulars.

5. Financial and Resources Implications

Funds to undertake the works are available from the 2009/2010 operational budget.

DCI63 NORTHERN DIVERSION SEWER PROJECT (D09/155758)

Director City Infrastructure

Property Services

Executive Summary

Melbourne Water, as part of the Northern Suburbs Sewerage Strategy, is undertaking the Northern Diversion Sewerage Project.

At its meeting on 13 December 2006 (DCI93), Council resolved to lease a number of sites to Melbourne Water for the purpose of constructing the Northern Sewerage Project. The Northern Sewerage Project is scheduled to be completed by early to mid 2012. The current leases are at the end of their first year option. Melbourne Water wish to exercise the option to renew all the existing terms of these leases.

In addition to renewing the terms of the lease for the Bass Street site, Melbourne Water has requested an amendment to the boundary at this site to include a further 870m² to be used for access during the construction phase of the Air Treatment Facility at 509 Pascoe Vale Road, Pascoe Vale.

Recommendation

Council resolve:

1. To approve the following lease options:
 - a) Bass Street: Extend lease to 9 September 2012
 - b) De Chene Reserve: Extend lease to 3 September 2012
 - c) Carr Street: Extend lease to 29 October 2012
 - d) Brearley Reserve: Extend lease to 6 August 2012
 - e) Bush Reserve: Extend lease to 1 April 2012.
2. To lease an additional 870m² at the Bass Street site, as shown in Attachment 2 of this report, to Melbourne Water, on the same terms and conditions as the current Bass Street lease.
3. To authorise the Director City Infrastructure to do all things necessary to affect this decision.

1. Policy Context

The Council Plan 2009-2013 and the Mayor's Speech 2009 articulates Council's commitment to the careful stewardship of Council's assets.

2. Background

The Northern Diversion Sewer (NDS) Project is a project being undertaken by Melbourne Water providing a major upgrade to infrastructure servicing the northern suburbs.

The NDS project is scheduled to be completed by early to mid 2012. Council resolved to lease a number of sites to Melbourne Water at its meeting on 13 December 2006 (DCI93). Melbourne Water wish to exercise the option to renew all available terms of its existing leases related to the project. Each site has a one year lease with a four year option from the commencement date of the lease. These are provided in **Attachment 1**.

The construction of the Air Treatment Facility (ATF) at 509 Pascoe Vale Road, Pascoe Vale is scheduled to begin early 2010. Melbourne Water has requested an amendment to the current lease boundary at the Bass Street site during the construction phase of the ATF. The amendment will increase the leased area by 870m². The new leased area is provided in **Attachment 2**.

3. Issues

Melbourne Water has confirmed that the construction phase of the ATF will commence early 2010 at 509 Pascoe Vale Road, Pascoe Vale. Melbourne Water has requested the amendment to the boundary of the leased area at the Bass Street site to allow access to the rear of this property during the construction phase of the ATF. The amendment to the Bass Street lease will increase the area leased by Melbourne Water at this site by 870m². In accordance with s190 of the *Local Government Act 1989*, Council is not required to advertise this amendment.

The key terms and conditions of the leases will not change.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor City Infrastructure, Cr Kavanagh has been consulted.

Melbourne Water has undertaken consultation with stakeholders in the form of workshops, presentations, door knocks and mail. An example of a letter of response to the community consultation (sent to nine residents in the vicinity) is provided in **Attachment 3**.

5. Financial and Resources Implications

The land leased at Bass Street Pascoe Vale has a rental value of \$8/m² per annum.

The additional area to be leased at Bass Street site is 870m², increasing the rent for this site by \$6,960 per year during the construction of the ATF.

By extending the lease options for each of the sites, Council will receive approximately \$209,200 in 2009/2010, \$217,300 in 2010/2011 and \$230,000 2011/2012.

DCI64 LEASE AGREEMENT JACOBS RESERVE SCOUT HALL (D09/156365)

Director City Infrastructure

Property Services

Executive Summary

Council has proposed to enter into a 21 year lease of the new scouting and community facility at Jacobs Reserve Brunswick West to Scouts Australia.

Council has undertaken the statutory process required to enter into this lease. However, the scouts have requested a longer term (50 years) than what has been advertised.

Recommendation

Council resolve:

1. To note that public notice has been given on 10 August 2009, pursuant to section 190 and section 223 of the *Local Government Act 1989*, regarding its intention to lease land at Jacobs Reserve Brunswick West for 21 years.
2. To note that no submissions were received.
3. That public notice be given, pursuant to sections 190 and 233 of the *Local Government Act 1989*, regarding the proposal to lease the Jacob's Reserve community facility and scout hall to Scouts Australia for a 50-year lease.
4. That, if no further submissions are received, Council approve a 50-year lease of the site to Scouts Australia, and that the Director City Infrastructure be authorised to do all things necessary to affect this decision.

1. Policy Context

The Council Plan 2009-2013 articulates Council's commitment to careful stewardship of the City's assets. Council's Property Leasing Policy has been used in assessing this proposal.

2. Background

Council has been working with Scouts Australia to consolidate its facilities on Council land to reducing the risks associated with ageing facilities that do not meet current building standards to improve the functionality of these facilities and to improve amenity.

In 2007, Council received a formal request to engage in partnership with Scouts Australia to replace or refurbish the existing hall at Jacobs Reserve and develop the scout hall as a multi use facility available for other community groups.

At its meeting on 12 September 2007 (DSD50), Council resolved to develop a Memorandum of Understanding with Scouts Australia and to proceed with the redevelopment of the Jacobs Reserve Scout Hall into a new scouting and community facility and to commence the process to enter into in a 21-year lease with Scouts Australia.

3. Issues

Scouts Australia is making a contribution of \$200,000 towards this project (total value \$450,000) and anticipate that its share in the asset would be recognised by Council in the future by granting a long term lease. To protect its interest in this asset, it has requested that Council approve a lease term of 50 years rather than a 21-year lease term as adopted by Council on 12 September 2007 (DSD50). This letter is provided as **Attachment 1**. Scouts Australia and Moreland City Council will jointly own the redeveloped building at Jacobs Reserve for the duration of the lease. Upon expiration of the lease Council will own the building.

Council's Property Leasing Policy suggests a maximum term of 20 years is responsible management of community assets. The *Local Government Act 1989* permits Council to lease for up to 50 years. A term of 21 years, which is currently offered to the scouts, provides an annual depreciation of further capital investment of \$9,523, which is high.

Council leases two sites to the Office of Housing for 40-year terms. The lease term of 40 years is considered acceptable in this situation based on the precedent set by the Office of Housing and, the Scouts Association investment depreciating over a longer period of time thus allowing them to realise the value of its investment. A 40-year lease would provide an annual depreciation of \$5,000 to the Scouts for their capital contribution of \$200,000.

There is no current competing interests for the use of the land at Jacobs Reserve. While Council's policy provides for a maximum term of 20 years, and while there is a precedent for Council offering 40 years to justify capital contribution, these are not considered to be any reasons why a 50-year term (requested by the Scouts) could not be offered in this instance.

If Council agrees to a lease term of 50 years, pursuant to section 190 and section 223 of the *Local Government Act 1989* a new public notice of intention to extend the lease from 21 years to 50 years must be advertised.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor City Infrastructure, Cr Kavanagh, has been consulted.

A copy of the public notice was placed in the Moreland *Leader* Newspaper on Monday 10 August 2009 and placed in the Councillor's Communiqué on 13 August 2009 inviting submissions.

5. Financial and Resources Implications

There are no further financial or resources implications.

DCI65 NAMING OF A ROAD ADJACENT TO 120 NEWLANDS ROAD COBURG (D09/119158)

Director City Infrastructure

Property Services

Executive Summary

Council has received an application for a plan of subdivision (PS 624920B) for a new development at 120 Newlands Road, Coburg and now must assign a street name to the road adjacent to this development.

A Public Notice seeking suggestions for the naming of the existing road was advertised in the *Moreland Leader* Newspaper on 22 June 2009. Council received eight submissions, seven of which meet the criteria of the *Naming Moreland Places Policy* and one that is an objection to the naming of the road.

Council must now consider the submissions and assign a name to the road.

Recommendation

Council resolve:

1. To allocate the name Photography Drive to the existing road adjacent to 120 Newlands Road, Coburg.
2. That a letter be sent to all the people that made a submission thanking them for their submission and informing them of the decision.
3. That the Director City Infrastructure be authorised to do all things required to formalise the street name.

1. Policy Context

The Council Plan 2009-2013 articulates Council's commitment to the careful stewardship of Council's assets.

Requests for naming are considered with reference to the guidelines and criteria as set out in the *Naming Moreland Places Policy* (Policy No. CSD12).

2. Background

Council has received an application for a plan of subdivision (PS 624920B) for a new development at 120 Newlands Road, Coburg (refer to plan in **Attachment 1**).

A Public Notice seeking suggestions for the naming of the road was advertised in the *Moreland Leader* Newspaper on 22 June 2009 (refer to **Attachment 2**).

Council received eight submissions and an officer recommendation has also been made. These are provided in **Attachment 3**. One of the submissions is an objection to the naming of the road (refer to **Attachment 4**).

3. Issues

The Moreland Place Naming Policy provides a framework for determining suitable names. **Attachment 5** summarises the submissions received with reference to this framework. The submissions and policy framework are also represented in a matrix in **Attachment 6**.

The names that are deemed to best reflect the guidelines and principles of the *Naming Moreland Places Policy* and the *Geographical Place Naming Guidelines 2004* are summarised in **Attachment 7**.

A summary of preferred names is included in **Attachment 8**.

An objection has been received from an adjoining property owner (refer to plan in **Attachment 1**). When the Kodak site was originally subdivided the adjoining property was allocated a road number to Newlands Road. The adjoining property was the only site accessing the unnamed road therefore, the road was not named.

The configuration of the three lots on the plan of subdivision created at 120 Newlands Road requires two of the lots to be allocated numbers to the unnamed road and one lot to be numbered to Newlands Road. This has been confirmed by Council's Rates Department. As a result of this new subdivision the adjoining property is to be allocated a new road number to the unnamed road.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor City Infrastructure, Cr Kavanagh, has been consulted. A copy of the public notice was placed in the *Moreland Leader* Newspaper. A copy of the notice was also placed within the Councillors Communiqué inviting submissions until Thursday 18 June 2009.

Letters were sent to the owners and developers of the surrounding properties.

Consultation occurred with local historical societies, progress associations and local indigenous communities as outlined in the policy.

Advice was sought from officers across Council involved in the issues concerning renumbering of roads.

Emergency Services have been consulted and offer no objection to the proposed name.

5. Financial and Resources Implications

There are no financial implications involved for Council to consider for this proposal.

DCI66 CREATION OF AN EASEMENT OVER COUNCIL LAND AT JAMES RESERVE (D09/166538)

Director City Infrastructure

Property Services

Executive Summary

A request has been received from Melbourne Water for Council to grant an easement over a part of James Reserve for the purpose of installing and maintaining underground anode infrastructure as part of the Northern Diversion Sewerage Project upgrade.

The proposed easement is proposed to be created on the eastern boundary of James Reserve, on part of Council title Volume 8187 Folio 007. It measures approximately 1.5 metres wide and 40 meters in length (refer to Attachment 1).

A formal valuation of the easement has been obtained. Melbourne Water has agreed to pay Council \$28,000 to compensate for this loss and all other costs associated with the creation of easement.

The purpose of this report is to make a decision about the granting of an easement in favour of Melbourne Water within James Reserve.

Recommendation

Council resolve:

1. To grant an easement to Melbourne Water for the purpose of installing underground infrastructure over the land shown in Attachment 1 of the report.
2. To authorise the Chief Executive Officer to sign the Creation of Easement and do all things required affect this decision.

1. Policy Context

The Council Plan 2009 - 2013 and the Mayor's Speech 2009 commit Council to the responsible stewardship of Council's assets.

2. Background

A request has been received from Melbourne Water for Council to grant an easement over a part of James Reserve for the purpose of installing and maintaining underground anode infrastructure associated with the Northern Diversion Sewer Project.

The easement is proposed to be created on the eastern boundary of James Reserve, on part of Council title Volume 8187 Folio 007. It measures approximately 1.5 metres wide and 40 meters in length (refer to **Attachment 1**).

Granting an easement over Council land provides Melbourne Water with rights to access the land to install their assets underground. The activities that Council wish to permit on the land would be outlined in a Creation of Easement document. This document will be registered on Title.

Section 45(1) of the *Transfer of Land Act 1958* provides the mechanism for granting easements.

3. Issues

A discussion between Council's Open Space and Property Services departments, Melbourne Water (MW) representatives and Water Supply Alliance (WSA contractors facilitating the works) has been undertaken. Council officers are satisfied this proposal will have no detrimental impact on this park and its users. A site meeting has been conducted with MW and WSA to discuss the most suitable alignment for the proposed easement.

A plan, which outlines the location of the proposed easement, and works which will be undertaken is shown in **Attachment 2**.

The Creation of Easement document will formalise the agreement between Council and Melbourne Water.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Portfolio Councillor City Infrastructure, Cr Kavanagh, has been informed of this proposal.

Council's Open Space Department worked in collaboration with Property Services to define the area depicted in **Attachment 2** of the report for the proposed easement.

Other relevant areas of Council have been consulted and offer no objections.

5. Financial and Resources Implications

A formal valuation of the easement has been obtained. Melbourne Water has agreed to pay Council \$28,000 for the value of the easement and all other costs associated with the creation of the easement.

DCI67 TENDER FOR THE SUPPLY AND DELIVERY OF ONE (1) LARGE ROAD SWEEPER CONTRACT 1706 (D09/168201)

Director City Infrastructure

Engineering Operations

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 1 to this report will not be publicly disclosed because it relates to contractual matters.

Executive Summary

The Director City Infrastructure is reporting on the lump sum tender submissions received for the purchase of a large road sweeper.

Five submissions were received and have been assessed against the advertised evaluation criteria.

Following a detailed assessment of the tenders received (Confidential Attachment 1) the recommended tenderer is MacDonald Johnston Pty Ltd for the supply and delivery of a large Road Sweeper.

Recommendation

Council resolve:

1. To accept the lump sum tender of \$298,393 plus GST from MacDonald Johnston Pty Ltd (ABN 68 004 992 090) for the supply and delivery of the Hino / MJE Combination Road Sweeper.
2. To authorise the Director City Infrastructure to sign the necessary contract documents.
3. To advise all the tenderers accordingly.

1. Policy Context

The replacement of plant and equipment is consistent with good asset management practices.

2. Background

The existing large road sweeper is used by the Street Cleansing Unit and was identified for replacement in the 2009/2010 Plant and Equipment Replacement Program as it is nearing the end of its seven year optimal life. It will complement the existing fleet of MacDonald Johnston road sweepers.

The specification included requirements for improved OH&S features such as reduced manual handling of attachments and ease of access for maintenance crews.

Public advertisements were placed in *The Age* newspaper inviting tenders for the purchase of one large Road Sweeper on 8 August 2009 (Contract 1706).

The tender period closed at 3.00pm on 28 August 2009 and submissions were received from the following companies:

- MacDonald Johnston Pty Ltd
- Rosmech Sales & Services Pty Ltd (two options)
- Schwarze Industries Australia Pty Ltd (two options).

3. Issues

In selecting the recommended tenderer, consideration was given to the selection criteria included in the specification that formed part of the tender documentation, outlined below:

- Compliance to tender requirements
- Cost / value for money
- Ability to meet Council needs: capability, capacity
- Credibility: social issues, sustainability, local content.

An assessment of the tenders received is detailed in confidential **Attachment 1**.

The tender of MacDonald Johnston is the preferred choice as:

- The existing fleet of four sweepers are MacDonald Johnston — these have performed satisfactorily over an extended period of time
- They were ranked highest in the overall assessment
- The other four options had 'critical failures' in their assessments for items such as poor performance during demonstration and known problems with braking system.

Delivery of vehicle will occur within three months of acceptance of tender.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Council users of the plant were consulted in the development of the specification. This included Fleet Unit staff, occupational health and safety representatives and Street Cleansing Unit staff. The assessment panel comprised of Street Cleansing Unit staff and Fleet Unit staff.

5. Financial and Resources Implications

The evaluation of the tenders has recommended the Hino / MJE Combination provided by MacDonald Johnston Pty Ltd. The cost of this vehicle is \$298,393 plus GST, which is \$21,600 under the allocated expenditure budget of \$320,000 for the new vehicle.

DSD42 COMMUNITY PARTNERSHIP GRANTS PROGRAM (D09/162838)

Director Social Development

Youth and Leisure Services

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 1 to this report will not be publicly disclosed because it relates a matter which the Council or considers would prejudice the Council or any person.

Executive Summary

The Moreland Community Partnership Grants Program provides financial support to locally based not-for-profit groups and organisations to construct or develop community facilities within Moreland.

A total of twenty-three applications requesting \$640,370 in funding were received as part of the 2009/2010 funding application process. The total project budget for all applications was in excess of \$1.3 million. Council has an available budget of \$200,000 for the program.

A listing of all applications, project summary, assessment score and recommended projects is contained within Confidential Attachment 1. It is recommended that Council fully allocate all available funds within the 2009/2010 Community Partnership Program budget.

Recommendation

Council resolve:

1. To endorse the Community Partnership Grants Program project funding applications in accordance with the recommendations contained within Confidential Attachment 1.
2. That a further report be presented to Council at the end of the 2009/2010 financial year outlining the status of each project.

1. Policy Context

This report is consistent with the Community Partnership Grants Program Policy and Guidelines, adopted by Council in July 2009 (DSD25) and is consistent with the Key Strategic Objectives of the Council Plan to “Maintain and enhance appropriate infrastructure and open space”.

The Community Partnership Grants Program policy outlines clear funding criteria and provides suitable direction to officers to promote and evaluate applications for funding from locally based not-for-profit organisations.

The Community Partnership Grants Program policy and its application is consistent with the Moreland Community Development Grants Program Policy, which enables equity, transparency and accountability.

2. Background

Moreland City Council has been running a community partnership grants program for a number of years. The program’s guidelines and procedures have undergone a number of changes over the years, with the intent that partnerships grants develop strategic alliances with community groups looking to develop community facilities.

At its meeting held 11 March 2009 (DSD6), Council resolved to review all guidelines and procedures for the partnership grants program and introduce an expressions of interest process for all eligible community groups. The Policy and Guidelines for the Partnership Grants Program were adopted by Council in July 2009 (DSD25).

Applications for the 2009/2010 Moreland Community Partnership Grants Program were called for in August 2009 and closed on 18 September 2009. Applicants were required to submit a written application and provide all information requested on the Community Partnership Grant Application Form.

Grants of up to \$40,000 are available for individual projects. Applicants are required to contribute at least 25% of the total project cost through cash and in-kind contributions.

Twenty-three applications were received as part of 2009/2010 Community Partnership Grants Program. All applications underwent an initial eligibility review and assessment process in accordance with the Moreland Community Partnership Grants Program Policy and Guidelines. A listing of grants applications, officer assessment and panel recommendations is included as Confidential **Attachment 1**.

3. Issues

Funding Availability and Eligibility

The total value of requests of \$640,370 was significantly greater than the total funding available for allocation.

Community groups were encouraged to discuss their project proposals with Council Officers before submitting an application. An application, addressing all criteria and including all relevant documents or additional information, was required to be submitted to Council by the closing date (18 September 2009). Late or incomplete applications were not considered for funding. Some applications were not assessed against the scoring criteria on the basis that they failed to meet the eligibility criteria.

Applications were deemed ineligible if they were incomplete, did not contain land owner approval or were for operational costs such as facilitator wages or program costs.

Assessment

Following a review of eligibility, and an internal referral process to relevant Units an assessment of all eligible partnership grants was undertaken by a panel of Council officers. Officers assessed and scored each application against the following criteria and weighting.

Why? (20%) - Applicants will be asked to demonstrate how the planning process:

- Responds to identified community needs and issues, based on broad consultation and support, and addresses a gap in local provision of facilities; and,
- Considers community strengthening initiatives and aligns with Council priorities.

How? (20%)

- Includes innovative, sustainable and environmentally friendly project components and practices,
- Has a clearly identified project scope, methodology and proposed outcomes; and
- Addresses issues around safety and risk management and compliance with relevant anti-discrimination legislation such as the *Disability Discrimination Act 1992* and the *Victorian Government Disability Act 2006*. Particular reference should be made to any relevant technical guides or audits.

Does the application:

- Provide evidence that the project will be completed within the prescribed time frame including provision of quotations and other documentation?
- Include concept/design plans for the project based on consultation with all stakeholders, partners and potential users?
- Identify community involvement and contribution?

Who? (10%)

Does the application show evidence of:

- Consultation and collaboration with a variety of stakeholders
- Management by an appropriately qualified team,
- Involvement of volunteers and/or community members in the planning and implementation of the project and how their involvement will increase their skill base,
- Consideration of inter-organisational linkages and issues where appropriate; and,
- provides evidence of support from other community organisations and partners.

What? (50%)

Does the project

- Increase, or in certain cases, maintain participation and address the demand for facilities,
- Improve the quality and range of formal and/or informal opportunities for recreation, health, wellbeing and harmony,
- Maximize the use or multi-use of the facility or facilities and improve the capacity for organisations to deliver activities to the community; and
- Improve access to those groups traditionally disadvantaged, e.g. people with a disability, women, young people, older adults, people from non-English speaking backgrounds, Indigenous people and those socially isolated.

A panel of senior officers including the Director Social Development and Acting Manager Finance and Business Systems reviewed each score given by the assessment panel and subsequently ranked the projects in priority order for funding as contained within Confidential **Attachment 1**.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

A summary of each project assessment was distributed to Councillors in the week commencing 28 September 2009.

The Portfolio Councillor Social Development, Cr Pryor, was consulted in the preparation of this report and panel recommendations.

5. Financial and Resources Implications

The total budget available for Moreland Community Partnership Grants is confirmed on an annual basis through the annual operating project budget process. The 2009/2010 operating project budget contains \$200,000 for Community Partnership Grants.

All funds will be allocated through the first round of the 2009/2010. Any unspent funds must be returned to Council.

DSD43 YMCA CONTRACT RENEWAL FOR MANAGEMENT OF BRUNSWICK CITY BATHS (D09/162164)

Director Social Development

Youth and Leisure Services

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 2 to this report will not be publicly disclosed because it relates to contractual matters.

Executive Summary

This report provides a summary of the performance of YMCA Community Programming Pty Ltd for the July 2008 to June 2009 period and makes recommendations for renewal of the contract with YMCA Community Programming Pty Ltd for management of Brunswick Baths for a twelve month period, including clauses for termination associated with the Brunswick Baths redevelopment.

Recommendation

Council resolve:

1. To note the satisfactory performance of YMCA Community Programming Pty Ltd in managing the Brunswick Baths for the period from July 2008 to June 2009, detailed in Attachment 1 and Confidential Attachment 2.
2. To note that renewal of the contract with YMCA Community Programming Pty Ltd meets the requirements of section 186 (1) of the *Local Government Act 1989* and Moreland City Council Procurement Policy requirements for 'Confined Procurement'.
3. To authorise the Chief Executive Officer to execute a new contract with YMCA Community Programming Pty Ltd for the period from July 2009 to June 2010 within the parameters of section 186 (1) of the *Local Government Act 1989*, based largely on the current service agreement with a range of clauses arising from legal advice received, including termination associated with the Brunswick Baths Redevelopment.

1. Policy Context

Re-tendering for the management of aquatic and leisure facilities is consistent with the implementation of Best Value principles in regard to accountability and continuous improvement however it is appropriate to exercise the 'Confined Procurement' clause in the Moreland City Council Procurement Policy given the circumstances of the Brunswick Baths redevelopment.

2. Background

The Victorian YMCA Community Programming Pty Ltd (YMCA) manages the Brunswick City Baths for Council under Contract No.526 that commenced on 1 July 2001. This contract was renewed as contract CO884 in July 2003 and extended by Council in March 2007 (DSD16, 2007) for a further two years to enable Council to work with the YMCA during the redevelopment phase.

A further contract extension, or renewal, is now required to enable the current service agreement to be extended leading into the redevelopment. As the timing of the redevelopment is uncertain, it is proposed that the contract be renewed for a 12-month period and then reviewed in early 2010 to determine arrangements for a further renewal before a new service specification is introduced under the Active Moreland sub-brand theme. Redevelopment of the facility is currently scheduled to commence in early 2011 and conclude in early 2012.

On 10 June 2009 Council resolved;

To extend the current Service Agreement with YMCA Community Programming Pty Ltd for management of the Brunswick Baths until 31 October 2009 subject to a satisfactory review of 2008/2009 performance and 2009/2010 centre operating budget approval (DSD19 – D09/70817)

A review of 2008/2009 performance is provided in **Attachment 1** and **Confidential Attachment 2** and demonstrates satisfactory results for this period.

A budget for 2009/2010 has been submitted and forms part of the information required to execute a new contract within the parameters of the Act and Moreland City Council Procurement Policy.

3. Issues

Compliance with Section 186(1) of the *Local Government Act 1989*

The performance of the YMCA has been consistently good therefore the main issue for renewal of the contract is compliance with Section 186(1) of the *Local Government Act 1989* (LGA) and Moreland City Council Procurement Policy

Legal advice states that while any arrangement between Council and YMCA may be described as an "extension" of the Service Contract, for legal purposes it will be a new contract.

The advice specifically states that;

"If the amounts payable to YMCA under the new contract will not exceed \$150,000, then Council would not be required to give public notice of, and invite tenders from persons wishing to undertake the new contract in accordance with section 186(1) of the Act. However the new contract would still need to be made in accordance with Council's procurement policy, as required by section 186A of the Act."

The service fees in the 2009/2010 budget for Brunswick Baths will not exceed \$150,000 therefore Council is not required to give public notice.

Council's Procurement Policy requires three written quotes through a formal Request for Quote process for Goods and Services contracts with a value between \$20,000 and \$150,000. However, the Policy also allows Confined Procurement with prior approval of the Unit Manager Contract Support and the Manager of Finance. Confined procurement will only be considered under two circumstances;

- Where there is only one supplier that can provide the specialist goods/services being sought.
- Where it is positively in Council's best interests.

Both of these circumstances are relevant and confined procurement has been approved by the officers detailed in the policy on the basis of providing continuity of service at the centre in a period of uncertainty for patrons, the operator and Council leading into the Brunswick Baths Redevelopment project.

Confined procurement is in Council's best interests as:

- It is not economically viable for a provider to accept the engagement for 12 months in the knowledge that the premises will be undergoing refurbishment. It is logical to expect that the only likely viable proposal will come from the incumbent. Therefore, whilst not the only provider who can deliver the services, they are likely to be the only viable provider given these particular circumstances.
- Given a short-term provider would likely engage a transient flexible workforce, it is considered not in Council's interest to induct a new provider and manage them through start-up and wind-down in an uncertain operating environment.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Councillors Responsible For Recreation, Cr Kavanagh and Cr Erdogan and Portfolio Councillor Social Development, Cr Pryor, the Unit Manager Contract Support and the Acting Manager Finance and Business Systems have been consulted in the preparation of this report.

5. Financial and Resources Implications

The value of the contract renewal will be consistent with the 2009/2010 budget.

Legal costs for advice and preparation of a new agreement are estimated to cost approximately \$6,000.

DSD44 AQUATIC STRATEGY- SINGLE SERVICE SPECIFICATION FOR AQUATIC AND LEISURE FACILITIES (D09/169520)

Director Social Development

Youth and Leisure Services

Executive Summary

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 1 to this report will not be publicly disclosed because it relates to a matter which Council considers would prejudice the Council or any person.

Service reviews have been completed for all Moreland leisure centres in past three years. A strategy for the redevelopment of pools was adopted in 2007. As result, Council is now in a position to review the effectiveness of its existing service specifications for leisure centre management and consider the introduction of a single service specification for the operation of all aquatic centres to more closely align leisure centre operation with organisational objectives.

This report reviews the current service specification for each leisure centre and includes an assessment of each leisure centre performance in meeting customer service and performance standards. The report also discusses the issues surrounding the introduction of a single service specification and operation under an Active Moreland theme.

Recommendation

Council resolve:

1. To develop a single service specification for the operation and management of all the Moreland City Council's aquatic facilities by May 2010.
2. To develop the "Active Moreland" sub brand marketing theme as part of the development of the single service aquatic specification.
3. To review a draft service specification and potential management models for the operation and management of all aquatic facilities by May 2010.

1. Policy Context

Key Strategic Objective (KSO13) of the 2009-2013 Council Plan is to ensure that the community has access to a range of sporting and recreational opportunities to maximise their potential. Measures for this objective include the number of people participating in organised sport or facilities and level of satisfaction with recreational facilities.

Section 186 of the *Local Government Act 1989* requires Council to undertake a competitive process to test the market before entering into contracts for the purchase of goods or services with a value of \$150,000 or more.

Section 208B of the *Local Government Act 1989* requires all Council services to comply with the Principles of Best Value including, quality and cost, responsiveness, accessibility, continuous improvement and regular consultation with its community.

All aquatic facilities undergo regular best value reviews in accordance with the framework established for all service units at Council.

2. Background

Belgravia Health and Leisure Pty Ltd (BL) manages the Coburg Leisure Complex (CLC), Coburg Outdoor Pool (COOP) and Pascoe Vale Outdoor Pool (PVOP) for Council under Contract No. CO 1333 which commenced on 1 July 2006. A two year extension was granted by Council at its meeting held 10 June 2009 (DSD19). Prior to Belgravia Leisure, the centre was managed by the YMCA and RANS Management.

The Victorian YMCA Community Programming Pty Ltd (YMCA) manages the Brunswick City Baths for Council under Contract No. CO526 which commenced on 1 July 2001. The YMCA has managed this facility since 1993.

The further extension of this contract is scheduled to be considered by Council at its meeting to be held 14 October 2009 to enable the existing service contract to be extended until the centre is redeveloped. Redevelopment works are scheduled to commence in late 2010.

The Fawkner Leisure Centre and Oak Park Aquatic Centre operate under direct management of Moreland City Council without a specific service specification. Annual service plans are prepared for each centre and approved by the Youth and Leisure Services Branch within fiscal parameters set by Council through the strategic resource plan.

A review of each centre's performance against customer service and key performance standards including level of satisfaction is contained within **Confidential Attachment 1** under separate cover to this report.

The Active Moreland theme was first developed at the time the Coburg Leisure Centre service specification was developed. Without a consistent application across all centres, the theme has had limited application.

3. Issues

Service Reviews

Service reviews have been completed for all Moreland leisure centres in past three years. Service reviews were completed to better identify the needs of the community to prescribe a more relevant range of services for Council's leisure centres to provide. The Fawkner Leisure Centre service review in particular, calls for a re-focusing of service provision from open door programming to direct service provision. This review will form part of the future Council consideration of an appropriate service specification and potential management models for the operation and management of all aquatic facilities by May 2010.

As a result of the Oak Park Aquatic Centre facility feasibility investigation, currently being finalised, it is likely that the range of services will be expanded at this site to accommodate the growing recreational needs of the area and demand for dry programming opportunities as the centre is redeveloped.

Service reviews were completed for the Coburg Leisure Centre and Brunswick Baths as part of the operational reviews completed for the Coburg Aquatic Feasibility Study in 2007 and strategic review and feasibility study for Brunswick in 2008.

Existing Service Specifications

Officers have identified the following issues and potential benefits of developing a single service specification for future leisure centre management.

3.1 Meeting key Council objectives.

Under the current contract specification with Belgravia Leisure and YMCA, the service mix and operation of the Coburg and Brunswick facilities is governed by the broad service specification of the respective contracts. Each centre does prepare an annual operating budget and service plan, which is completed in isolation to all other centres and reviewed by officers to ensure budget compliance.

A single service specification with more direct programming requirements will enable Council to more easily coordinate a targeted approach to service provision in key focus areas and enable the transfer of usage rights across facilities. Under existing contracts, users are not able to transfer membership or even multi-pass visit cards between centres despite all being Council funded and operated.

A new service specification will also enable Council to introduce new direct programming requirements at the Fawkner Leisure Centre as identified through the recent service review and an opportunity to address low user satisfaction as outlined in Confidential **Attachment 1**.

3.2 Council recognition

A new service specification is also an opportunity to address inconsistent branding and recognition of Council aquatic facilities. Each service provider currently has the ability to co-brand its staff and facility, thus resulting in different branding and confusion over Council's role at each centre despite being fully funded by Council. It is envisaged that greater involvement in direct programming and consistent centre branding will result in greater opportunity for Council exposure and recognition.

3.3 Marketing and promotion

Presently, each facility is responsible for its own marketing and promotion. Marketing strategies are completed independently by each centre, which often results in less effective marketing and increased competition between centres. Centre promotions also often fail to capitalise on broader events or opportunities within Council. Council receives little or no acknowledgement through current promotions.

3.4 Use of available resources

The use of separate service specifications often limits the opportunities for collaboration and potential for resource use to be consolidated. Each centre currently undertakes a number of tasks across a range of areas that could easily be consolidated through a coordinated approach to maximise the use of available resources. Examples of such duplication include costs for marketing and design, web design and management, data control, insurances and head office costs. It is expected that a consolidated service specification will also increase the opportunity to capitalise on economies of scale that may or may not result through a competitive tendering process.

Active Moreland

Recent consultation across a number of Council strategies has identified a consistent barrier to participation. Specific findings of the Active Women's strategy, Disability Action Plan, Youth Facilities and Service Review (oxYgen), Later Years Strategy, Early Years Strategy and Municipal Public Health Plan have all identified that access to information and knowledge about available activities is a major barrier to participation across a number of groups.

Under (KSO13) and in accordance with action 13.10.2 of the 2009-2010 Strategic Operational Plan, Council is required to develop an Active Moreland Strategy. The Active Moreland theme is therefore an initiative to increase community awareness and participation across a range of Council activities including the management and operation of leisure centres. A key component of the theme is to address the identified needs of high priority and disadvantaged groups, targeting issues of social inclusion and inactivity through direct programming and more effective awareness campaigns.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

Community consultation has occurred through the ongoing collection of customer service expectations and performance.

5. Financial and Resources Implications

The combined income from Council's six aquatic facilities totals over \$8.5 million. Total expenditure currently stands at over \$10 million per annum. The operating deficit in 2008/2009 was \$1.56 million, and excludes corporate overheads for in-house service provision and any capital expenditure. The total attendance figure to the six facilities over the same period was 1,300,000 representing both a significant investment by Council and level of community participation at a cost per visit ratio of \$1.20. Any active participation strategy should look to improve the cost per visit ratio as a community outcome through increased participation at existing funding levels.

DSD45 MOOMBA PARK TENNIS CLUB (D09/166714)

Director Social Development

Youth and Leisure services

Executive Summary

This report provides Council with the opportunity to review the location of the proposed tennis courts to be constructed at Moomba Park Reserve, by the Moomba Park Tennis Club through funding received from the Federal Governments Jobs Fund initiative.

The Moomba Park Tennis Club has been successful in obtaining \$203,775 in funding under Round 1 of the Jobs Fund initiative. Funding will allow the club to construct three new synthetic tennis courts with lights.

At its meeting held 9 September 2009, (DSD32) Council resolved to congratulate the club and requested that it review the plans for the proposed courts.

It is recommend that Council endorse the plans to construct three new courts in Moomba Park Reserve subject to all relevant approvals and conditions of funding.

Recommendation

Council resolve to endorse the location and construction of three new tennis courts in Moomba Park Reserve, in accordance with the plans included in Attachment 1 and 2 to this report.

1. Policy Context

Key Strategic Objective 13 (KSO 13) of the 2009 – 2013 Council Plan is to ensure that the community has access to a range of sporting and recreational opportunities to maximise their potential.

The construction of additional tennis courts is consistent with the Council Plan and will meet unmet demand for tennis facilities in the Fawkner area.

2. Background

The Moomba Park Tennis Club provides a range of programs and services to tennis players at all levels within Fawkner and surrounding areas. Tennis programs and services include individual tennis tuition, group coaching, development squads, tournaments, weekend competitions (juniors & seniors), mid week ladies competitions, evening competitions and casual use. There are active juniors, mens, womens and veterans and an increasing ethnic diversity especially at the junior level, participating all year round at the club.

The club has been seeking to expand its court base for some time and has previously applied for funding under the State Government's Minor Facility Funding program. This application was to be considered by Council (DSD32) at its meeting held 9 September 2009, however the application was withdrawn upon notification of Federal Government funding. Council subsequently resolved:

- "1. To congratulate the Moomba Park Tennis Club on receiving Federal Government funding.*
- 2. That the plans for the new courts at the Moomba park tennis club be referred back to Council."*

3. Issues

The tennis courts will be constructed adjacent to the existing three tennis courts as per the site plan as shown in **Attachment 1**. The area will need to be cleared of trees and vegetation and will be constructed to match the grades of the existing three tennis courts and be enclosed in a fenced area 33.5 m by 47.2m as the per the design plan shown in **Attachment 2**.

All courts will have competition standard floodlights. The surface upgrade will provide Moomba Park Tennis Club with a high standard competition venue.

This project will increase opportunities for the community to access quality tennis facilities in the Fawkner area and assist the club to establish a larger competitor, member, casual and social user base. The upgrade will also provide a more sustainable surface to accommodate increasing demand.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor Social Development, Cr Pryor, has been consulted in the preparation of this report.

Council Officers from the Recreation Services Unit and the Open Space Unit have also been consulted. The Open Space Unit has indicated that there are no significant trees or vegetation that require protection, however some replanting will need to occur to green around the new tennis courts.

5. Financial and Resources Implications

The Moomba Park Tennis Club has received a grant of \$203,775 from the Commonwealth Government's Job Fund. The club will also be contributing \$20,000 toward the cost of the project.

There will be some cost to Council associated with re-planting works around the new tennis courts. These costs will be absorbed within the 2009/2010 budget.

DSD46 DRAFT ACTIVE WOMEN AND GIRLS STRATEGY (D09/157627)

Director Social Development

Youth and Leisure Services

Executive Summary

A draft Moreland Active Women and Girls Strategy has been developed after extensive community and stakeholder consultation. The draft strategy identifies opportunities and makes recommendations across five key areas to increase the participation of women and girls in sport and physical activity. The five key areas are:

- Targeting activities and population groups
- Building capacity in providers
- Developing suitable infrastructure
- Enhancing choice through communication and information, and
- Refining policy and performance

It is proposed that Council endorse the draft strategy before being presented to the community for final consultation and formal adoption by Council.

Recommendation

Council resolve:

1. To endorse the draft Active Women and Girls in Moreland Strategy for community and stakeholder consultation.
2. That following community consultation, a final Active Women and Girls in Moreland Strategy be presented to Council for adoption at the December 2009 Council meeting.

1. Policy Context

The 2009 - 2013 Council Plan addresses the need for a sustainable and just city, a proud city, a healthy and educated city and a responsive organisation.

Specifically, Key Strategic Objective 13 (KSO 13) of the Plan is to ensure that the community has access to a range of sporting and recreational opportunities to maximise their potential. The Active Women and Girls Strategy is a key strategic initiative of this objective and addresses the following key strategic initiatives contained within the 2009/2010 Strategic Operational Plan of Council:

- 13.2.1 Construction of an additional 8 Netball courts by 2012.
- 13.2.2 Improved facilities for women involved in sport.
- 13.2.3 Complete and implement active women strategy.
- 13.10.1 A plan that supports community based sport.
- 13.10.2 Promotion plan for community sport.
- 13.10.3 Equal opportunity exemptions for pools.

The strategy also conforms to Council's statement of commitment to women.

2. Background

The 2008 Mayors Speech states that a clear objective over the next four years is to "promote a healthy lifestyle and increase the participation of sports activities in our community particularly amongst women and girls."

This strategy has been developed to address the needs of women and girls in sport and physical activity. Extensive consultation of stakeholders and residents has shown the need for a greater Council response. The strategy and implementation plan shows a clear direction that Council can take to dramatically improve the participation of women, the development of pathways and opportunities as well as establishing links and partnerships to develop the capacity of providers.

3. Issues

This strategy identifies opportunities and recommendations to increase the participation of women and girls in sport, recreation and physical activity in Moreland. The implementation of this strategy will ensure community sport and recreation options are supportive, affordable, safe and inclusive for all members of our community, specifically women and girls.

This strategy has implications far greater than just women and if implemented, will ensure greater participation of all residents with a greater focus on reducing the barriers that exist for those population groups who are the most disadvantaged – people with a disability, young people, people from culturally and linguistically diverse backgrounds, people on low incomes, older adults and women.

The consultation and research identified Council's key challenges in the provision of sport, leisure and active recreation for women and girls are;

- ensuring the availability of adequate resources and co-ordinating the existing resources to maximise participation.
- continually introducing new opportunities to participate and develop pathways to ensure participants remain.
- creating and delivering on strategies that meet increasing and changing demand for facilities.

- improving the management of knowledge and information relating to sports, leisure and physical activity opportunities within Moreland.
- communicating with the community to ensure participants know where to source information, when they need it and that new opportunities are brought to attention in a timely manner.
- facilitating access to recreation facilities of the appropriate quality for women and girls.
- ensuring opportunities are inclusive.
- enhancing provision for cycling and walking.
- defining Council's role in meeting these challenges and establishing performance measurement criteria.

The above challenges have been addressed as part of the draft Active Women and Girls Strategy across five key areas. A copy of the draft strategy is included as **Attachment 1**.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The strategy has been developed following extensive community and stakeholder consultation which has included:

- Stakeholder and community consultation meetings held throughout May and June 2009.
- Distribution of 1,900 Householder surveys.
- Local schools, multicultural and religious organisations, sports clubs and state and regional sporting associations.
- An issues paper was presented to Councillors at an Issues & Discussion Workshop held on 20 July 2009.
- A copy of the draft strategy was circulated to all Councillors on 15 September 2009 for comments. The feedback from this internal consultation process has been incorporated in the draft strategy.
- Advice was sought from officers from across Council in the development of the strategy.

5. Financial and Resources Implications

Council allocated \$40,000 in the 2008-2009 Operating budget to conduct an Active Women's Strategy.

Application for further funding for the implementation of the strategy including development of an Active Moreland sub-brand and project officer to pursue the Active Women and Girls Strategy will be considered as part of the 2010-2011 operating project budget process.

DSD47 ALLOCATION OF SPORTING GROUNDS AND PAVILIONS - DRAFT POLICY (D09/164516)

Director Social Development

Youth and Leisure Services

Executive Summary

A draft policy for the allocation of sporting grounds and pavilions has been prepared for Council consideration.

The policy seeks to increase participation by four key priority groups within the sporting community who have traditionally had significantly less participation either as players, coaches, officials or volunteers through the seasonal and annual allocation process of Council sporting grounds and pavilions, specifically:

- Juniors/Youth
- Women and Girls
- People with disabilities
- People from culturally and linguistically diverse backgrounds (CALD)

It is proposed that Council endorses the draft Allocation of Sporting Grounds and Pavilions Policy and seeks final community and stakeholder feedback before adopting the policy and any amendments at its meeting to be held in November 2009.

Recommendation

Council resolve:

1. To endorse the Draft Allocation of Sporting Grounds and Pavilions Policy as included as Attachment 1 to the report and undertake community and stakeholder consultation on the potential impact of the policy on local sporting clubs and participation levels.
2. That following community and stakeholder consultation, a final Allocation of Sporting Grounds and Pavilions Policy be presented to Council for adoption at the December 2009 Council meeting.

REPORT

1. Policy Context

Council adopted the Sports Ground User Guide in November 2007. The guide is used to assist officers in the administration of seasonal and annual tenancy of sports grounds and pavilions.

The 2009 - 2013 Council Plan addresses the need for a sustainable and just city, a proud city, a healthy and educated city and a responsive organisation. Specifically, Key Strategic Objective 13 (KSO 13) of the Plan is to ensure that the community has access to a range of sporting and recreational opportunities to maximise their potential.

A key strategic initiative of the Draft Active Women and Girls Strategy is to develop a new allocation policy to provide more specific conditions of occupancy for clubs using Council sporting grounds and pavilions. The aim of the policy therefore is to increase the participation, general health and wellbeing of juniors, girls and women by increasing participation in regular sport, recreation and physical activity and as coaches, instructors, decision makers, officials and administrators at all levels.

The policy also conforms to Council's Statement of Commitment to Women.

2. Background

Moreland City Council has a strong commitment to providing its community with sporting and recreational opportunities, and provides a wide range of sporting facilities and opportunities for its residents and visitors to the municipality.

The implementation of the Allocation of Sports Grounds and Pavilions Policy is necessary to: address inequity, help to eliminate discrimination, meet legislative requirements, promote community cohesion and encourage the provision of equal access to services for all sectors of the community. The policy will also ensure that both the culture and structure of sports are addressed and challenged to improve accessibility and to provide all individuals with equality of opportunity and choice.

The following data has been collated from the most recent summer, winter and annual allocation process of Council sporting grounds and pavilions and will be used as a baseline to measure the effectiveness of the proposed policy.

Table 1: Total Player Participation by Sex and Group

Total Players - All Seasons	Male	Female	TOTAL	Male	Female	Total
Juniors (16yrs & under)	4,626	398	5,024	56.6%	4.9%	61.5%
Seniors	2,442	285	2,727	29.9%	3.5%	33.4%
Veterans	404	12	416	4.9%	0.1%	5.0%
People with a Disability	12	0	12	0.1%	0.0%	0.1%
Total	7,484	695	8,179	91.5%	8.5%	100%
Social Members only	2,231	1,266	3,497	63.8%	36.2%	100%

Table 1 shows that the total number of players for all clubs in all sports on Council sporting grounds was 7,484. Of this, women and girls represent just 8.5% of total participation. Junior participation accounts for 61.5% of the total participation.

3. Issues

Access and Equality

Research indicates that women and girls continue to be under-represented in all aspects of sport, recreation and physical activity. Indicators highlighting their inequitable status and low rate of involvement particularly in sport and physical activity include:

- lower participation rates than men and boys
- under-representation in all areas of leadership, management and decision making
- under-representation in all areas of coaching, especially at the elite level
- inadequate and inappropriate media coverage
- greater 'drop-out' rates than men and boys, and
- less sponsorship and funding than men and boys.

The Draft Allocation of Sporting Grounds and Pavilions Policy seeks to:

- Encourage a strategic approach to the planning, provision and development of sports and physical activity opportunities for all sections of the community
- Increase the level of awareness amongst sporting organisations of the principles and practices of sports equity
- Create an environment and structures that reflect the principles and practices of sports equity
- Increase the number of people participating in sport from groups that are under-represented through lack of opportunities due to, social and economic disadvantage, poor access, prejudice and discrimination.

The endorsement of the Draft Allocation of Sporting Grounds and Pavilions Policy is necessary to eliminate discrimination. This is an opportunity for Moreland City Council and sporting organisations to initiate joint action that will improve access to sport for all.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor Social Development, Cr Pryor, and Councillors Responsible for Recreation and Leisure, Cr Kavanagh and Cr Erdogan, have been consulted in the preparation of this report.

The Recreation Services Unit has consulted the relevant peak sporting bodies covering the municipality including Football Federation Victoria, Cricket Victoria, Moreland /Moonee Valley Cricket Association, North West Cricket Association, Essendon Football League, Victorian Football League, and the Victorian Amateur Football Association

A draft copy of the Allocation of Sporting Grounds and Pavilions Policy was circulated to all Councillors for comment.

All users of Council recreation and sporting facilities were provided with a copy of the draft Allocation of Sporting Grounds and Pavilions Policy and invited to provide written feedback. A copy of all responses and officer responses and recommendations is included in **Attachment 2**.

5. Financial and Resources Implications

There are no financial implications associated with the Draft Allocation of Sporting Grounds and Pavilions Policy.

DSD48 MORELAND RESPONSIBLE GAMBLING STRATEGY ANNUAL REPORT 2008 - 2009 AND POLICY REVIEW (D09/162564)

Director Social Development

Community Development and Social Policy

Executive Summary

This report provides an update of the implementation of the Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008 which was adopted by Council on 26 April 2005. It also sets the context to extend and review the strategy in order to set policy direction for the next four years, to facilitate the promotion of responsible gambling in Moreland and to reduce the harms associated with problem gambling in the Moreland community.

The Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008 underpins Council's response to issues related to electronic gaming machines. The 2005 - 2008 Strategy and Action Plan is an update of an earlier Strategy originally adopted by Council in 1998. Both strategies support a harm minimisation approach to reduce the detrimental economic and social impacts of gambling on the Moreland community.

The Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008 included twenty-one initiatives for implementation by Council over three years, in partnership with local community service agencies, gaming venues and the Local Government Working Group on Gambling (LWGOG) hosted by the Victorian Local Governance Association (VLGA). A progress report regarding the implementation of the twenty-one actions included in the Strategy and potential issues that may arise for the review process is included as Attachment 1.

It is proposed that the Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008 remains for a further 12 months and that review of the Strategy take place from January 2010 - December 2010. This will include the preparation of an issues paper to be circulated for consultation with the community and Council staff, and the convening of a working group, the Moreland Responsible Gambling Working Group, in order to oversee the review.

Recommendation

Council resolve:

1. To note the progress report regarding implementation of the Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008, including an action progress update for 2008 - 2009, and issues identified for review.
2. To note the proposal to extend the Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008 for a further 12 months.
3. To note the proposal to review the Moreland Responsible Gambling Strategy and Action Plan 2005 - 2008.

1. Policy Context

This report is consistent with Council's key strategic objectives, to foster greater community resilience and to facilitate community connection and engagement, as outlined in the Council Plan 2009–2013; Planning for a sustainable future.

2. Background

The economic impact of gambling on the Moreland community since 2005 has been substantial. There are fifteen gaming venues in Moreland; five are not-for-profit clubs and ten are commercial gaming venues, with a total of 766 electronic gaming machines (EGMs). The total net expenditure or loss to electronic gaming has increased by 3.075% overall during the period 2005-2009. For the period 2005-2006 the total loss was \$71,182,321, for 2006-2007 it was \$71,842,968, and for 2007-2008 it was \$72,193,601 rising to \$73,372,693 in 2008-2009¹.

The objectives of the Moreland Responsible Gambling Strategy and Action Plan 2005–2008 were to reduce the incidence of problem gambling; reduce EGM losses and density in Moreland, particularly in Brunswick and Brunswick east; achieve an equitable distribution of funds from the Community Support Fund; and promote a healthy, safe and inclusive community.

The twenty-one initiatives in the action plan address the following key themes:

- Enhanced Council planning control;
- Responsive Council policies and services;
- Promoting partnerships with community support services and gambling venues;
- Working in partnership with other Councils; and
- Advocacy to the State Government for effective responsible gambling measures.

In Victoria, regulation of the gambling industry and activities is the responsibility of the Victorian Commission for Gambling Regulation (VCGR). The law governing the conduct of gambling, the licensing of gambling industry participants and the enforcement of licensees' legal obligations is set out in the *Gambling Regulation Act 2003* (the GR Act), the *Gambling Regulation Regulations 2005* and the *Gambling Regulation (Signage) Regulations 2005*.

The main objectives of the GR Act are,

- S1.1 (a) to foster responsible gambling in order to
- (i) minimise harm caused by problem gambling; and
 - (ii) accommodate those who gamble without harming themselves or others.

The Moreland Responsible Gambling Strategy and Action Plan 2005–2008 states that Council recognises that participation in legal gambling is a recreational activity enjoyed by many citizens and that it is committed to work with the community to promote responsible gambling. It is worth noting however that anyone who chooses to gamble also has the potential to develop problems, and opportunities for gambling in Victoria are widespread with 90% of residents living within 2.5 km of a gambling venue². Continuing to develop responsive Council policies and services, as well as promoting partnerships with community support services and gambling venues remain important objectives.

¹ Source: Victorian Commission for Gaming and Racing

² Department of Justice, 2008

In December 2008 the Australian Government Productivity Commission reconvened its Ministerial Council on Gaming in order to revisit its 1999 problem gambling inquiry with a particular focus on the social impacts of gambling for the new inquiry. Council made a submission to the new inquiry and it is expected that a draft report will be available from the Productivity Commission in October 2009. Further hearings and consultations are to be completed before Christmas 2009; the final reporting date is 26 February 2010. In view of the extensive consultation process it is hoped that the eventual report will inform the review of the Moreland Responsible Gambling Strategy and Action Plan 2005– 2008.

An overview of the progress regarding the implementation of the twenty-one actions included in the Strategy and potential issues that may arise for the review process is included as **Attachment 1**.

3. Issues

The main issue for 2008 was the State Government's review of the Gaming Machine Industry. The *Gambling Regulation Amendment (Licensing) Act 2009* came into effect on 24 June 2009 setting out the legislative framework for the new venue operator arrangements.

From 2012 there will be separate Venue Operator's Licences for clubs and hotels, and clubs and pubs will be able to own and operate gaming machines (club entitlements will only be allocated to bona fide clubs). In the first quarter of 2010 companies with a VCGR venue operator's licence will be able to bid on-line for ten year entitlements for each of the 27,500 gaming machines that are currently in pubs and clubs. It will be necessary to factor in the implications of the revised arrangements in a review of the Moreland Responsible Gambling Strategy and Action Plan 2005– 2008.

The 2007 Strategy update noted recommendations that included development of a local gambling planning policy to specify what constitutes "appropriate locations and premises" (under Clause 52.28 of the Moreland Planning Scheme) should be considered to prevent potential conflict in Activity Centres and areas of high gaming machine density and or socio-economic disadvantage. This recommendation will be carried forward into review of the Strategy in 2010.

As the responsible planning authority it is necessary for Council to establish and articulate its strategic intent in relation to the location and density of gaming machines within the municipality. A sufficiently robust policy base that will support this strategic intent, one that is open to challenge by the local community, gaming venues and State Government regulatory bodies such as VCAT, should ideally be developed.

Review of the Strategy and Action Plan will assist Council in responding to future applications regarding gaming machines and their movement within the municipality. It is anticipated that in early 2010 a draft of the key issues together with recommendations from the members of the Working Group (to include Council staff and members from local community service organisations) will be presented to Council. The final issues paper will include research into best practice in relation to municipal gaming strategies, and include recommendations of the Productivity Commission 2009 inquiry as pertinent to Moreland.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Portfolio Councillor Social Development, Cr Pryor, has been consulted in the preparation of this report.

5. Financial and Resources Implications

There are no direct financial and resources implications from this report. Strategies and actions and the implementation of the review process are incorporated in the Council Budget for 2009 - 2010 .

DSD49 AQUATIC AND LEISURE FACILITIES POLICY REVIEW (D09/166484)

Director Social Development

Youth and Leisure Services

Executive Summary

Council has a range of policies governing various aspects of service delivery for aquatic and leisure facilities. Three of these policies have been reviewed as part of the ongoing process to ensure they remain relevant and effective.

This report considers amendments to three existing Council policies pertaining to aquatic facilities, namely:

- Aquatic and Leisure Centres - School Carnivals and Events Policy
- Aquatic and Leisure Centres Fees and Charges Policy
- Aquatic and Leisure Centres – Hours of Operation / Hot and Cold Weather Policy

Proposed changes to the Hot and Cold Weather Policy are in accordance with the findings of the detailed attendance analysis 2008/2009 summer season and include a shift away from the mandatory openings for outdoor pools.

It is recommended that Council endorse the three draft aquatic facility policies and seek community and stakeholder feedback before adoption and implementation.

Recommendation

Council resolve:

1. To endorse the draft policies titled;
 - a) Aquatic and Leisure Centres - School Carnivals and Events Policy
 - b) Aquatic and Leisure Centres Fees and Charges Policy
 - c) Aquatic and Leisure Centres – Hours of Operation / Hot and Cold Weather Policy
2. To seek community and stakeholder feedback on the draft policies and consider any feedback and proposed amendments to the draft policies at its meeting scheduled for December 2009.

1. Policy Context

Moreland City Council policies are subject to regular review and update in accordance with the schedule recorded on the policy at adoption.

The policies reviewed for this report are existing Council policies due for review.

2. Background and Issues

Aquatic and Leisure Centres – School Carnivals and Events Policy

The current policy titled 'School Carnivals at Outdoor Pools' was adopted by Council in November 2001 with the purpose of providing schools with the opportunity to have exclusive use of an outdoor pool during public opening hours to conduct school carnivals.

Aquatic and Leisure Centre Fees and Charges Policy

The current policy was adopted by Council in July of 2006 with the purpose of reducing the large variation in fees and charges at the centres and to establish a set of guidelines for setting fees and charges, including a method for setting new fees and charges.

Aquatic and Leisure Centres – Hours of Operation / Hot and Cold Weather Policy

The current policy was adopted by Council in March of 2006 with the purpose of detailing the process for extending or reducing hours of operation based on weather conditions. Essentially, the policy requires all outdoor pools to open every day at 11.00am, regardless of weather conditions, with the option of closing early on 'cold' days.

3. Issues

Aquatic and Leisure Centres – School Carnivals and Events Policy

A copy of the draft policy is included as **Attachment 1** to this report and includes the following key changes;

- Expanding the purpose to include other events such as school fun days and community events;
- Adding conditions to emphasise safety and hirer obligations, with references to the Moreland City Council 'Hire Agreement', Royal Life Saving Society of Australia Guidelines for Safe Pool Operations and Department of Education requirements;
- Adding conditions to manage handover of patron responsibility at the conclusion of an events by requiring all patrons to exit, then re-enter with relevant payment for personal recreational swimming; and
- Adding arrangements for centre managers to refer school groups to the most appropriate Moreland City Council venue for the size and nature of their event.

Aquatic and Leisure Centre Fees and Charges Policy

A copy of the draft policy is included as **Attachment 2** to this report and includes the following key changes;

- Adding a membership category and definition for 'Active Seniors', that is less than concession rate, but provides access to all services at all times except high impact group fitness classes;
- Adding a membership category and definition for 'Active Teens', that is less than concession rate and has a range of health and safety conditions;

- Clarifying the definition of 'Special Concession';
- Standardising the definition of 'off-peak' across all centres;
- Clarifying the definitions for, and differences between, 'Supervisory Adult' and 'Spectator';
- Clarifying the definitions for entry at free, child and adult rates, to align with the 'Watch Around Water' safety campaign, detailed in **Attachment 3**;
- Noting the timeline required for approval of fees and charges each year to be able to provide required notice to patrons and implement for 1 July each year;
- Adding guidance for establishing rates for infrequent, out-of-hours activities such as functions or filming;
- Establishing a calculation for the relationship between term membership fees and monthly direct debit fees over the same term (less), to encourage direct debit memberships; and
- Establishing consistency for setting personal training rates for ratios from 1:1 to 1:4 across all centres.

Aquatic and Leisure Centres – Hours of Operation / Hot and Cold Weather Policy

The current policy requires all outdoor pools to open every day at 11.00am, regardless of weather conditions, with the option of closing early at 3pm on 'cold' days with a maximum temperature of 22 degrees or less. It also allows for hours to be extended past the usual closing time of 7pm to 8.30pm on 'hot' days with a maximum temperature of 32 degrees.

The bather load data collection and customer feedback undertaken at all centres over the 2008/2009 summer season has shown that this policy is not aligned with patron demand. For example, on hot days or particularly on a series of hot days, patrons expect the pools to open earlier as well as stay open later. On cold days, there are sometimes no patrons at all, or only after 3pm when school has concluded, which is when the current policy allows the pools to close. Further, bather load data concludes that temperature is not the only trigger for nil or low attendances at outdoor pools. Cloud cover, rain and high winds are also significant deterrents to patrons.

A copy of the draft policy is included as **Attachment 4** and includes the following key changes;

- Adding details of the process of establishing or changing the standard hours of operation with reference to contract arrangements, approvals and notification to patrons;
- Acknowledging occupational health and safety issues, staffing constraints and capacity of aged pool plant to cope with high bather loads associated with hot weather and late close / early open of centres;
- Changing the 'hot weather' trigger response to include early opening (during school holidays and weekends only), while retaining late closing (any hot day of the season);
- Changing the 'cold weather' trigger point to a 'cold and adverse weather conditions' trigger point for not opening outdoor pools
- Adding a 'cool weather' trigger point with arrangements on school days to open from 3pm to 7pm for any after school demand rather than close after 3pm;
- Adding arrangements to approve regular opening hours, regardless of weather conditions, for community programs or interest groups where demand can be established (ie. morning lap swimming on Mondays, Wednesdays and Fridays from 6am to 9am).

The temperature triggers and proposed changes to hours of operation are summarised in **Attachment 5**.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The aquatic and leisure centre managers for each site have been consulted regarding preparation of the draft policies.

Community feedback and bather load data collection over the 2008/2009 summer season has been considered in preparation of the draft policies.

A review of hot and cold weather policies from other Councils has also occurred.

5. Financial and Resources Implications

Implementation of the updated Aquatic and Leisure Facilities – Hours of Operation / Hot and Cold Weather Policy may result in a more efficient use of Council resources by responding to community demand for recreational and programmed use of outdoor pools at more relevant times during the summer season.

DSD51 REQUESTS FOR A COMMUNITY GRANT - INNER NORTH COMMUNITY FOUNDATION AND INNER NORTHERN LOCAL LEARNING AND EMPLOYMENT NETWORK (D09/160187)

Director Social Development

Youth and Leisure Services

Executive Summary

Council has received two requests for funding that can be considered under the strategic partnering budget allocation made available through the Moreland Community Development Grants program.

The Inner North Community Foundation is seeking \$5,000 to conduct a one-off event to raise its profile as an independent grant-making foundation and the Inner Northern Local Learning and Employment Network is seeking \$1,500 from Council to conduct a Moreland School and Community Forum.

Officers recommend that both requests for funding be approved on the basis that they meet the fundamental requirements of Council's Community Development Grants program and are consistent with Council objectives, particularly in the area of youth development, education and employment.

Recommendation

Council resolve:

1. To contribute \$5,000 to The Inner North Community Foundation to conduct an event on 20 October 2009 to raise its profile as an independent grant-making foundation.
2. To contribute \$1,500 to the Inner Northern Local Learning and Employment Network to conduct a Moreland School and Community Forum in December 2009.

1. Policy Context

The Moreland Community Development Grants Program Policy has been developed to assist not-for-profit organisation, groups, individuals and artists with the development of activities and services to enrich the social, cultural and environmental fabric of the Moreland community and promote community participation, health, wellbeing and harmony.

Council can consider one-off requests for funding outside the Moreland Community Development Grants program on an as needs basis.

2. Background

The Inner North Community Foundation - is an independent grant-making foundation that funds projects to assist Melbourne's inner northern communities of Darebin, Moreland and Yarra. This covers the Melbourne area north of the Yarra and takes in suburbs such as Brunswick, Richmond, Reservoir, Coburg, Northcote, Preston, Fitzroy, Pascoe Vale, Glenroy, Collingwood.

Established in 2007 through the initiative and funding contribution of Inner North Group Training (trading as Apprenticeships Plus) a company owned by Moreland, Darebin and Yarra Councils, the Foundation is governed by a skills-based Board of 9 people which specifically aims to support local projects that provide new opportunities for disadvantaged young people to gain work, or education and training that will help them gain work.

The Inner Northern Local Learning and Employment Network (INLLEN) - has written to Council on behalf of the Moreland Engagement Network to formally request financial support to conduct a Moreland School and Community Forum.

The network is made up of a range of youth and education providers including Moreland City Council, School Focused Youth Services (SFYS), Local Community Partnerships (LCP), INLLEN and Brunswick Salvation Army. Other organisations are expected to join as the network develops. Organisers hope that the network can develop into a Youth Commitment for Moreland and support the transition of all young people.

3. Issues

Inner North Community Foundation - Moreland Leaders Dinner

The Inner North Community Foundation is the only Melbourne-based Community Foundation to receive a Victorian Government Challenge Grant in 2009. Through this grant, the State Government has pledged to contribute up to \$300,000 towards a new grant-making fund if the Inner North Community Foundation can raise \$100,000 in the community by July 2010.

The result will be a new \$400,000 grant-making fund that will be invested and the income returned each year will be disbursed through a new grant program to support community projects in Moreland, Darebin and Yarra.

The event is a partnership between Inner North Community Foundation and Moreland City Council aimed at:

- Raising the profile of the Foundation locally by providing an opportunity for people to hear from an interesting and high profile speakers including Christine Nixon.
- Focus the spotlight on young people and challenge people to think about the role they can play in ensuring that young people from all walks of life are given opportunities to carve their own path through life.

The primary purpose of the Foundation's grant-making is to enhance young people's access to work and development opportunities in the communities of Moreland, Darebin and Yarra.

This event therefore aims to provide a forum for people to be stimulated and challenged to think about their role in working collaboratively and respectfully with young people to ensure they have the best chance at achieving their goals. Similar events are planned for Darebin and Yarra.

Inner Northern Local Learning and Employment Network – Moreland Forum

A Moreland forum is being developed to engage schools and community organisations that support young people. The Forum will be held in early December 2009 at the Tracey Centre in Parkville and will involve around 70 – 80 people in attendance.

Council officers have been closely involved in the discussions regarding the proposed forum and believe it to be a strong partnership response to education issues in Moreland. The forum aims to engage Moreland Secondary Schools and a range of community providers to cultivate and expand community partnerships. The aim is to develop better relationships and partnerships between schools and community sector to fully support young people in Moreland and work toward the improving education and employment outcomes for young people.

The Proposed Forum Outline includes a presentation on the Moreland context - including community profile, local statistics, on track data, educational profile, health profile and how this equates to education and employment outcomes. The recognition of schools as a key setting to support student centred approaches underpinned by recent research will be presented and then the opportunity to have small group workshops/dialogue on 3 key issues including: supporting 12-15 years; keeping 15-18 years engaged and broader curriculum and flexible options for this cohort; and to identify 'at risk' and successful early intervention of vulnerable students including the application of mapping tools.

The INLLEN and SFYS have each offered \$1,500 each toward the forum and LCP \$1,000. A request for \$1,500 from Council has been made to help support the initiative.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The Inner North Community Foundation and Inner Northern Local Learning and Employment Network have both made written requests to Council seeking event sponsorship. Both proposals have been considered by relevant Council officers and the Director Social Development.

The Portfolio Councillor Social Development, Cr Pryor, has been consulted in preparation of this report.

5. Financial and Resources Implications

Council has allocated \$350,000 to the 2009/2010 Community Development Grants Program. This amount includes a \$20,000 provision for strategic partnering projects that arise throughout the course of the year. Council has previously allocated \$2,000 from the strategic partnering budget (DSD39).

Approval for both projects will result in a \$6,500 contribution from Council and leave an available balance of \$11,500 for further strategic partnering projects in 2009/2010.

DCD66 CORONER'S INQUEST – SINCLAIR GIORGI FINDINGS (D09/170438)

Director City Development

City Development

Pursuant to section 89(2) of the Local Government Act 1989, Confidential Attachment 2 to this report will not be publicly disclosed because it relates to personnel matters.

Executive Summary

The findings of the Coroner's investigation into the deaths of Christopher Giorgi and Leigh Sinclair in a fire at 211–213 and 211–213A Sydney Road Brunswick on the night of 30 September/1 October 2006 were delivered at the Melbourne Magistrates' Court on 29 September 2009.

A copy of the Coroners report and findings is at Attachment 1.

The Coroner found that the two people died from the effects of fire and the inhalation of fire fumes. In a brief summary the Coroner stated that the lives were lost due to "...a failure in the administration of applicable building code fire safety, planning and rooming house regulations and a failure to maintain both electrical wiring and electrical components.

As a result of the difficulty in the administration of complex legislation the Coroner has made extensive recommendations for significant systemic and regulatory change to the rooming house industry.

Recommendation

Council resolve:

1. To note the Coroner's Record of Investigation into the deaths of Christopher Alan Giorgi and Leigh Sara Sinclair in a fire at 211-213 and 211 and 213A Sydney Rd, Brunswick.
2. To write to Consumer Affairs Victoria offering its full assistance in implementing the recommendations of the Coroner.
3. To write to the Premier of Victoria urging him to initiate and implement all the relevant legislative changes recommended by the Coroner.
4. To write to the Minister for Planning to request that the Government of Victoria seek an amendment to the Building Code of Australia specifying suitable locks for all class 3 Boarding Houses.

1. Policy Context

The *Local Government Act 1989* provides that the purposes of a Council are to carry out the functions conferred in the Act and by any other Act.

2. Background

A Coroner's Inquest was held in late 2008 and early 2009 into the deaths of Christopher Giorgi and Leigh Sinclair in a fire at 211-213 and 211-213A Sydney Rd, Brunswick that occurred on the night of 30 September/1 October 2006. The investigations and findings of the Coroner were delivered at the Melbourne Magistrates' Court on 29 September 2009.

The subject premises were a 2 storey building on the western side of Sydney Rd, between Michael and Dawson Streets. The ground floor of the building was leased to Restaurant Brands Australia Pty Ltd and operated as a Pizza Hut restaurant.

Planning and building approval had been issued to use the first floor as a single dwelling and offices. The upstairs premises were leased to Dignity Homes Pty Ltd in 2004, and subsequent renovations had the effect of changing the use from a dwelling to boarding house. No planning or building approvals were sought for these changes. The premises were used as a class 3 boarding house. The owners and operators were aware of the change of use, but did not inform Council. More significantly it is clear that the operators deliberately misled Council in providing accommodation for six tenants.

It is important to note that had the owners or operators notified Council of the change of use they would have been required to satisfy the fire safety requirements of the Building Code and the registration requirements of the *Health Prescribed Accommodation Regulations 2001*. These requirements become effective when an establishment houses more than 5 tenants at any one time. The premises, (being used as a boarding house) was not registered in accordance the Regulations.

3. Issues

As a result of a telephone complaint from a resident of the premises two Council officers, Vanessa Crow, an Environmental Health Officer and Brian Bergin, a Building Surveyor inspected the premises on 7 September 2004. It is noted that Vanessa Crow is no longer an employee.

The Coroner closely considered Council's role in this incident. He found that Council failed to successfully administer relevant and complex legislation. This was evidenced by process failures and the failure of the officers to carry out their duties in a satisfactory manner. The Coroner, in particular, highlighted that Brian Bergin's explanation for not properly executing or failing to delegate his duties was unsatisfactory.

Actions by the administration in regard to this matter, being a staff issue is the subject of the attached memo at Confidential **Attachment 2**.

Council's administration has pre-empted the recommendations of the Coroner relating to better integrating approvals and compliance systems. The restructure of the Urban Planning and Building and Civic Safety and Amenity branches in August this year, was, in part, predicated on Council officer experience at the coronial inquest.

At the time of the fire, the relevant functional areas within Council were in different branches within City Development. The Coroner noted the "compartmentalised" nature of the services meant that officers acted independently of each other.

The restructure has placed the Environmental Health, Building Compliance and Planning Enforcement functions in the new Urban Safety Branch, which will assist in ensuring a broader legislative compliance focus, co-ordinated investigation and a more comprehensive approach to compliance and prosecution. It is also noted that the introduction of more integrated IT systems has also significantly enhanced administration.

The Coroner in addition to clear evidence of the failure of the regulatory and enforcement systems, found that there were people clearly culpable in the particular matter. The owners of the premises, and the operators of the rooming house developed a deliberate strategy based on avoiding detection and compliance with their legal duties and were ultimately able to 'fly under the regulatory radar'.

Legal advice has been sought to determine whether Council should pursue action under any of the legislative tools available. Suffice to say that the advice suggested that action was complicated, a low likelihood of success and even if successful penalties that made the effort hardly worthwhile. The Coroner makes reference to this in Recommendation 8 where he calls for the State Government to impose more substantial penalties

Social Implications

Council officers are currently working in a cross functional team with the Tenants Union of Victoria and other agencies to develop procedures and protocols to appropriately manage the identification, inspection and treatment of illegal rooming houses, with a particular focus on tenants.

It is evident that the Coroner's report focused on a broad range of associated issues, not specifically related to the unfortunate circumstances surrounding this matter. It is readily apparent that the Coroner used this matter as an opportunity to highlight the current shortage of low-cost, short-term accommodation, the opportunism of a sector of the community to exploit this situation, and the complexity and inadequacy of the regulatory system.

Regional / Strategic Implications

It is clear that identifying the location of unregistered rooming houses and the regulation of these premises is not isolated to the City of Moreland. This is reflected in the recommendations of the Coroner. In particular, the first recommendation is that Consumer Affairs Victoria co-ordinate a campaign involving all relevant agencies, including Councils, to identify rooming houses, their owners and operators and to unilaterally improve the health, safety and planning requirements of rooming houses.

The Coroner makes extensive and wide-ranging recommendations arising from his investigations, under the following headings:

- Consumer Affairs Victoria to henceforward play a leading role in the administration of the *Health Act Prescribed Accommodation Regulations*, and related matters.
- Amendments to the *Prescribed Accommodation Regulations* and the *Building Regulations* designed to facilitate improved oversight of the Boarding House Industry.
- Tenancy Agreements for Building Owners, Rooming House Operators and Rooming House tenants and the need to publicly identify where such arrangements exist.
- Administrative and legislative changes designed to make the approvals system more user friendly; and
- Bedroom/Unit Door locks in Boarding Houses.

The recommendations are detailed in pages 31–36 of the Coroner's report.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities.

4. Consultation

The CEO via email circulated copies of the Coroners report to all Councillors.

Advice was sought from officers across Council involved in the inquest and in related project work.

5. Financial and Resources Implications

All legal costs associated with the inquest have been met from the Legal Services budget.

There is insufficient information available at this time to determine the status of this matter and therefore whether further resources will be required.